

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF RIGHT OF WAY
HIGHWAY LAYOUT COMMISSION PUBLIC HEARING
BEDFORD X-A000(143), 13953
RECONSTRUCTION AND EXPANSION OF
NEW HAMPSHIRE ROUTE 101 IN THE TOWN OF BEDFORD

Hearing held at the Bedford High School, 47
Nashua Road, Bedford, New Hampshire on Thursday,
October 2, 2014, in accordance with RSA 230:45 and
RSA 230:14 and the Surface Transportation and
Uniform Relocation Assistance Act of 1987,
to discuss the proposed reconstruction and
expansion of New Hampshire Route 101 beginning at
Wallace Road and extending east approximately two
miles to New Hampshire Route 114 to improve
traffic operations and safety in the Town of
Bedford, New Hampshire commencing at 7:08 p.m.

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NHDOT
Highway Design

1 SPECIAL HIGHWAY LAYOUT COMMITTEE MEMBERS:

2 Chairman Councilor Christopher Pappas

3 Councilor Christopher Sununu

4 Councilor Debora Pignatelli

5

6 HIGHWAY LAYOUT COMMISSION MEMBERS:

7 Ray Chadwick

8 Jack Brady

9 Tom Dublois

10

11

12 APPEARANCES:

13 Victoria Chase, P.E., Project Manager, NH Department of
14 Transportation, Bureau of Highway Design

15 John Butler, P.E., Preliminary Design Engineer, NH
16 Department of Transportation, Bureau of Highway Design

17 Nancy Spaulding, P.E., Right of Way Engineer, NH
18 Department of Transportation, Bureau of Highway Design

19 Marc Laurin, Wetland Program Specialist, NH Department
20 of Transportation, Bureau of Environment

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P R O C E E D I N G S

CHAIRMAN PAPPAS: Thank you, folks, for all joining us here. My name's Chris Pappas. I'm the Executive Councilor for District 4, and I'm the Chairman of this special meeting here tonight.

This is a meeting with a Committee appointed by the Governor and Council to look at the 101 widening project in Bedford. This is a project that has been on folks' minds and on the Town's mind for quite a long time.

It dates back many years to a corridor study, and we've seen a lot of cooperation over the intervening years between the Town and the State Department of Transportation that I think has been valuable, and I certainly would hope and expect that that cooperation is going to continue throughout this process.

It's important here tonight that we hear from everyone, so we're going to have some public comment. And I think it's going to be, you know, very valuable for those who are going to be planning this project to make sure they get it right, and that's the name of the game here

1 tonight.

2 To my right is Councilor Chris Sununu.
3 Also joining the two of us is Councilor Deb
4 Pignatelli, who couldn't be here tonight, but the
5 three of us form this Committee that will at some
6 point take a pro forma vote and move ahead or not
7 move ahead with this project depending on how
8 tonight goes.

9 And beyond that, we have a Layout
10 Commission that's going to be tasked with working
11 with the Department of Transportation on some of
12 the critical right of way issues that this project
13 involves.

14 On that Commission are Ray Chadwick of
15 Bedford, Jack Brady, and Tom Dublois. Also at the
16 table we have, I believe at the end, Chris
17 Bandazian, Chair of the Town Council, and beyond
18 that I think we have Steve Daly, the Town Manager,
19 way down there. Hi, Steve.

20 We also have with us here tonight
21 Victoria Chase, who's the project manager on this
22 project representing the New Hampshire Department
23 of Transportation.

1 Following this hearing, the Special
2 Committee will evaluate all matters brought to our
3 attention and make definitive decisions relative
4 to the layout. It is, therefore, important that
5 all individuals desiring to make suggestions do so
6 tonight.

7 I would remind you that you have 10 days
8 from the date of this hearing to submit any other
9 material you would like to be considered by the
10 Special Committee. And there are forms by the
11 door, so if you don't wish to speak tonight, you
12 can still log your comments and your concerns
13 about this project right at the door in the box
14 there or you can submit them to the address that's
15 provided on the form within the next 10 days, and
16 those will all certainly be considered.

17 Before the opening -- before we open this
18 to questions, I will first ask Victoria Chase,
19 who's the project manager from the New Hampshire
20 D.O.T., to present in a more formal manner the
21 layout which she has proposed. After this, we
22 will open that to any elected officials and
23 members of the community that wish to desire to

1 speak on this project.

2 So, Victoria, I'll turn it over to you.

3 MS. CHASE: Thank you, Councilor. Good
4 evening, Members of the Special Committee,
5 Commission, ladies and gentlemen. I'd like to
6 introduce a couple of other people that are here.

7 Councilor Pappas talked about the Town
8 being here. They have been a strong partner with
9 us in the development of the plans thus far. We
10 also have John Butler will be talking -- he works
11 for the Department of Transportation. He'll be
12 talking through the plans and explaining the
13 details.

14 To my left is Nancy Spaulding, who is a
15 right of way engineer for the Department of
16 Transportation. To her left is Marc Laurin, who's
17 the environmental coordinator, who will be
18 preparing the NEPA document, the document that
19 will outline all of the environmental issues for
20 the project. They will be talking in a little
21 while after we do the presentation.

22 The purpose and need for the project,
23 probably you're more familiar than we are because

1 I -- in 2002, the Town did a corridor study, and
2 much of what you see tonight for this section of
3 road is trying to continue that vision of the
4 corridor study.

5 The purpose is to really improve
6 congestion and safety from Wallace to 114. John
7 will talk to the specific details, but essentially
8 we're widening to five lanes. We've added a
9 sidewalk in some areas and moved the sidewalk at
10 the request of the community.

11 There has been talk of making it more of
12 a boulevard, to have lots of landscaping. I'll
13 talk a little bit about that after the
14 presentation, and that's our -- that's our hope.

15 See, the important part to remember is
16 this not only goes through your community, it also
17 lets people pass through. So it functions at a
18 local and a regional level, and there's going to
19 be a balance. There's going to be some very
20 difficult decisions.

21 The water quality part to -- we need to
22 treat the water that is coming from the road, and
23 the regulations for that have become quite

1 stringent. And so you'll see some things on the
2 plan, and you'll hear a little bit from John as to
3 more detail, but that's -- that's going to force
4 some very difficult decisions. The landscaping
5 itself will force some difficult decisions. The
6 Town needs to step up and agree to maintain the
7 landscaping.

8 So there are financial balances as well.
9 Everybody is aware. These are tight financial
10 times, and so we're trying to balance the needs of
11 the roadway, the needs of the community with the
12 needs of the people who live next to it because
13 there are -- oh, I don't know -- maybe 75
14 properties that will be impacted that I need to
15 acquire some rights from if the project moves
16 forward.

17 Some history. Well, I guess I'd like to
18 reiterate what Councilor Pappas said about
19 speaking tonight if you're willing. If you're
20 not, you have 10 days to submit a letter, and on
21 the board, and Nancy is going to talk a little bit
22 about it, too, on the table in the back there are
23 maps with an address that you can write a letter

1 or you can use the comment forms and stick them in
2 the box, but it's really, really important that we
3 hear input tonight. That's what the purpose of
4 this meeting is is to gather input from both the
5 Department of Transportation, and that
6 presentation will start soon, but also from the
7 people that are here.

8 We were last here in June to gather
9 input, a less formal setting. We did make some
10 modifications to the plan, and you'll hear a
11 little bit about that. And -- I don't know.
12 Steve Daly, would you like to say anything?

13 MR. DALY: Yes. Thank you, Victoria.
14 I'd like to remind everybody that the Town of
15 Bedford has worked very closely with New Hampshire
16 D.O.T. to come up with this design and to address
17 all of the concerns along the corridor.

18 We've worked with a number of property
19 owners to come about -- to bring about a
20 resolution of issues, and we found it to be a very
21 productive exercise on our part. And we are very,
22 very much in favor of this design, and we hope
23 that you will see the benefits of it as well.

1 MS. CHASE: Thank you, Steve. I think we
2 should get started in more detail. If John Butler
3 would describe the project for us, I'd appreciate
4 it.

5 MR. BUTLER: Okay. Thank you. Thank
6 you, Victoria. Good evening, everyone. I'd like
7 to start by making sure everyone is oriented on
8 the big plan that we have here on the board. As
9 Victoria mentioned, the project limits basically
10 go from the Wallace Road intersection, which is
11 here on the plan, about two miles easterly to the
12 Route 114 intersection, which is here on the plan.

13 So I'm going to refer to Route 101 in the
14 east/west direction. So east toward Manchester is
15 this way, and west toward Amherst is in that
16 direction. And some of the other significant
17 landmarks within the corridor, right here is the
18 Nashua Road intersection. Here is the
19 Meetinghouse Road intersection. And over here,
20 this is Constitution Drive and Old Bedford Road.
21 So those are kind of the major intersections
22 within the project area.

23 A quick note about the coloration on the

1 plan. The different colors represent different
2 features of the proposed design. The yellow areas
3 represent the proposed travel lane of the roadway.
4 The brown on either side of the yellow represents
5 the proposed paved shoulders on the road. And the
6 lighter bluish-green area in the middle represents
7 a proposed raised median island, and I'll talk
8 about that in more detail.

9 There are some purple strips shown in
10 some locations on either side of the road. Those
11 are proposed sidewalks. And the green color that
12 you see flanking each side for the length of the
13 project, that represents the slope work or the
14 grading that's required to blend the widening of
15 the roadway into these adjacent properties.

16 As Victoria mentioned, the basic purpose
17 of the project is to address congestion and safety
18 along this section of Route 101, and we're looking
19 to do that basically by widening the roadway to a
20 five-lane cross-section. So two lanes westbound,
21 two lanes eastbound, and a center lane that would
22 either be this raised median island or a left-turn
23 lane at some select location.

1 Currently, Route 101 here carries between
2 36,000 to 29,000 vehicles per day. The heavier
3 volumes being here on the east end towards
4 Route 114, and then the volumes drop off a little
5 bit until we get towards the 29,000 figure towards
6 the west end of the project. So that's very high
7 traffic volumes for this section of Route 101.

8 The basic proposed widening of the road
9 is represented on these what we call typical
10 roadway sections. We have three different samples
11 shown here representing the cross-section in three
12 different locations within the corridor.

13 The top one, the widest one, represents a
14 cross-section down here in the more commercial
15 part of the project. The middle one represents a
16 cross-section in the middle area of the project,
17 and the lower one represents a cross-section more
18 up here towards the eastern end.

19 Where we have an historic district
20 concern initially here, but the basic layout
21 involves -- it's two travel lanes in each
22 direction, a raised median island, which varies in
23 width anywhere from 16 feet to as little as eight

1 feet, four-foot wide paved shoulders on each side,
2 and then in some locations sidewalks on one or
3 both sides of the roadway.

4 And in most locations where we're
5 proposing sidewalks, we're also proposing to have
6 a 10-foot wide grass area between the edge of the
7 roadway to the edge of that paved shoulder and to
8 the sidewalk. So that layout, that width of road
9 is proposed basically from one end to the other.

10 There are two locations where we are
11 proposing to adjust the alignment of Route 101 a
12 little bit. Those two areas, one area is right in
13 here just to the east of Liberty Hill Road,
14 proposing to shift the alignment of the road a
15 little bit to the south here on the order of
16 around 10 feet in order to minimize impacts to
17 these historic properties on the north side of the
18 roadway.

19 And then the other area of proposed
20 alignment shift is right here, which is right in
21 front of the Bedford Village Inn where there's a
22 large oak tree that we're trying to avoid
23 impacting, and we are avoiding impacting by

1 holding the edge of that side of the existing road
2 and doing all the widening to the south to this
3 location. Everywhere else we'd be using the
4 existing center line of the road and widening each
5 side equally.

6 There's also one area where we're
7 proposing to adjust the profile of the road. So
8 that's the elevation of the road. And that's
9 about an 800-foot long section, which is basically
10 right in here between Liberty Hill Road and Shaw
11 Drive.

12 We're looking to raise that -- raise the
13 roadway in that location by as much as five feet.
14 And, again, that's to minimize impacts to the
15 abutting properties here, which for the most part
16 sits higher than the road, so raising the road
17 helps us reduce the impacts to those properties.
18 Everywhere else the existing profile, the existing
19 elevation of the road, would stay the same.

20 We'll walk through a couple other items
21 in terms of the design layout, some of the major
22 intersections. Here at Wallace Road, we are
23 proposing to widen the southbound Wallace Road

1 approach to Route 101 to create three lanes coming
2 out of Wallace Road. Today there's two. So this
3 design would have a left-turn lane, a straight
4 through lane and a right-turn lane.

5 At Meetinghouse Road intersection, which
6 is here, we are proposing to widen both the
7 southbound and northbound approaches to Route 101
8 to have two lanes on each approach. So that would
9 be a left-turn lane, and the other lane would be
10 for through vehicles or right-turning vehicles.

11 And, lastly, way up here at the Route 114
12 intersection, we're proposing to create two lanes
13 for turning right and continue on Route 101. This
14 movement, particularly in the morning, is a very
15 heavy volume of traffic looking to make this
16 right-hand turn and continue on towards
17 Manchester.

18 Today there's essentially just one lane
19 available to do that, and that backs up -- can
20 back up significantly. So adding an additional
21 lane here to try to address that, that issue, to
22 improve that congestion spot.

23 The layout does also include a

1 substantial amount of pedestrian accommodations,
2 both sidewalks and crosswalks. We've had
3 extensive conversations with the Town, and yes, we
4 got some good input at the earlier public
5 informational meetings that we had as to where it
6 was felt sidewalks were appropriate.

7 What is proposed is between Wallace Road
8 and Nashua Road, the proposal is to have sidewalks
9 on both sides of Route 101. From Nashua Road
10 to -- well, essentially to Old Bedford Way, which
11 is right here at the Bedford Village Inn, you
12 would have just one sidewalk, and that would be
13 adjacent to the south side of Route 101.

14 That's an issue that we have modified
15 since our original public informational meeting.
16 We originally showed that on the north side.
17 Several people spoke at that meeting, some from
18 the neighborhood, the residential neighborhood on
19 the south side of the road, saying they would
20 prefer to have the sidewalk on their side, on the
21 south side of the road.

22 We talked that over with the Town. It
23 seemed to make sense, so we have made that change

1 to the plan and moved the sidewalk to the south
2 side of the road. And then this last little
3 section from Old Bedford Way to Constitution
4 Drive, we're proposing sidewalks on both sides of
5 the road here.

6 In addition to the sidewalks, we're
7 proposing to add or retain pedestrian crosswalks
8 at all of the signalized intersections, so the
9 five signalizing intersection. Here at
10 Constitution Drive and Old Bedford Road, there
11 would be a crosswalk with an exclusive pedestrian
12 phase in the traffic signal. Similar treatment at
13 Meetinghouse Road, at Nashua Road, and at Wallace
14 Road.

15 I misspoke. So there's four
16 intersections where that would be available.
17 There are no pedestrian accommodations down here
18 at the 114 intersection, but at these other four
19 there would be a pedestrian phase in the traffic
20 signal with a pedestrian crosswalk so pedestrians
21 can get across Route 101.

22 There have been requests at previous
23 meetings for pedestrian overpasses or underpasses;

1 particularly here at the Nashua Road intersection.
2 What we've said is that we feel that's beyond the
3 scope of this project, but what we build here as
4 part of this project would not preclude the
5 ability to construct such a thing at some point in
6 the future, but as part of this project we're
7 going to accommodate pedestrian crossings with a
8 pedestrian phase at crosswalks at the signalized
9 intersections.

10 Lastly on the issue of sidewalks, we do
11 require that if we build sidewalks as part of this
12 project, that the Town accept the maintenance
13 responsibility for the sidewalks. So we have --
14 we have conveyed that to the Town, that that is a
15 requirement if we do construct sidewalks as part
16 of the project.

17 Another important aspect of this design
18 is what we call access management. Access
19 management basically is controlling the number and
20 type of access points onto the roadway. And what
21 that does is that allows for improving both safety
22 and capacity of the roadway.

23 The more we can consolidate and minimize

1 the number of access points onto the highway, the
2 less accidents there's going to be, and the more
3 efficient it's going to be in terms of the
4 throughput of the roadway, but obviously that's a
5 tough balance to balance the goal of improving
6 safety and capacity versus still having the need
7 to provide reasonable access to all of the
8 abutting properties.

9 So we've wrestled a lot with that issue.
10 The Town has been very helpful in talking with
11 some of the abutting property owners in trying to
12 gather consensus of where we could perhaps
13 consolidate or reposition driveways in a more
14 efficient, safe fashion.

15 I'm just going to walk through relatively
16 quickly from one end to the other what we are
17 proposing in terms of access management. Just to
18 the east of Wallace Road, there would be an
19 opening in the median island here that would allow
20 full access to the driveway to Shorty's
21 Restaurant.

22 On the opposite side, Bedford Center
23 Road, there's an intersection with 101 here, the

1 proposal is to redevelop this property on the
2 corner of Wallace Road and Route 101. And as part
3 of that redevelopment, they are looking at
4 eliminating this intersection of Bedford Center
5 Road and Route 101, still allowing provisions for
6 that traffic to get over to Wallace Road or come
7 down to Route 101 in a different location to the
8 east of where it does today. And we're fully in
9 favor of eliminating that intersection in lieu of
10 alternative access.

11 The driveway here, which is a shared
12 driveway for Modern Bride and Fireplace Village,
13 would retain full access, as would the driveway
14 here to Ethan Allen. Chestnut Drive, which is a
15 town road here, would retain full access to
16 Route 101. The driveway here, the Bedford Village
17 Shops, would retain full access to Route 101.

18 To the east here, this is Pinecrest
19 Drive. We have two intersections with Route 101.
20 The more westerly one, we're proposing to allow
21 left turns in to Pinecrest Drive but restricting,
22 not allowing left turns out of Pinecrest Drive.
23 The eastern end of Pinecrest Drive, we're

1 proposing to only allow right turn in, right turn
2 out of this location.

3 Liberty Hill Road, which is here, we're
4 proposing to allow left turns in but no left turn
5 out of Liberty Hill Road. Shaw Drive is the next
6 intersection here. We're proposing to only allow
7 right turn in, right turn out of Shaw Drive.
8 Colonial Drive, allow left turns in but no left
9 turns out of Colonial Drive.

10 This is Old Bedford Way, which is
11 basically the entrance to the Bedford Village Inn.
12 That would only allow right turn in, right turn
13 out while on this end of Bedford Center Road would
14 also only allow right turn in, right turn out.

15 And, lastly, in terms of access
16 management, we're showing here -- what we're
17 showing here is the proposed service roadway.
18 Essentially this would be a town road that would
19 be laid out and constructed to provide access to
20 Carlyle Place, the assisted living facility, but
21 give them alternative access to Constitution
22 Drive, which gives them access to the signalized
23 intersection here with Route 101. So we would

1 eliminate their existing driveway onto Route 101
2 in lieu of a more safer and efficient way to get
3 traffic via Constitution Drive.

4 This service road does have impacts to
5 these two properties, but it does not impact the
6 buildings or the parking areas on these two
7 properties. But there is impacts to those two
8 properties to construct that service road.

9 So obviously for some of these side roads
10 and driveways where left turns are restricted,
11 there needs to be a way for those people, for
12 those vehicles to reverse direction. We would
13 allow U-turn movements to happen at all the
14 signalized intersections. So at Constitution
15 Drive, Meetinghouse Road, and Nashua Road and at
16 Wallace Road is where you could make those U-turns
17 to reverse direction if you needed to.

18 We've also talked with the Town police
19 chief and fire chief on the issue of emergency
20 vehicle access. What we would do at any
21 location -- on Shaw Drive, for example, we would
22 modify the median island here such that an
23 emergency vehicle could drive across it.

1 So an emergency vehicle coming from the
2 safety complex here could come and actually drive
3 across the median to access Shaw Drive, but it
4 would be designed in such a way that it can be
5 discouraging of regular vehicles going through
6 that, going over the median.

7 So that's the summary of access
8 management. Like I say, it's a very challenging
9 issue trying to balance the needs of providing
10 reasonable access to the abutting properties
11 versus the desire to maximize safety and capacity
12 benefits of this major investment that we're going
13 to make, and hopefully we've achieved that.

14 Another issue that Victoria touched on
15 and that is a very significant issue with this
16 project is the issue of storm water treatment.
17 What I mean by storm water treatment is collecting
18 and treating, filtering the pollutants out of the
19 roadway runoff.

20 So rain or snow that falls on the roadway
21 surface and flows to the outer edges, our goal is
22 to collect that water, bring it to areas where it
23 can be treated, where many of the pollutants can

1 be taken out of it before it gets discharged into
2 adjacent water bodies. This is something that we
3 are required to do.

4 Ultimately we need to get a permit from
5 the Department of Environmental Services that
6 approves our design for water quality treatment
7 that says we've met these fairly stringent
8 standards for removal of pollutants. So, to
9 accomplish that, there are many different possible
10 techniques for accomplishing the storm water
11 treatment and removing pollutants.

12 The more conventional ones that we have
13 typically used in the past are things like
14 detention basins and treatment swales alongside
15 the roadways, so we'll be looking at those type of
16 treatments. We will also be looking at more
17 innovative treatments that we haven't used as much
18 at this point, but we're going to explore with
19 this project things like bioretention, tree
20 filters, and perhaps the use of pervious pavement
21 for the sidewalks. So we have pavement where the
22 water when it hits it filters down through as
23 opposed to just sheeting off to the side.

1 So we will likely end up needing to do
2 some sort of combination of many of these
3 different treatment techniques. Some of these
4 techniques can be accomplished within the grass
5 areas that are proposed at the edge of the
6 proposed road and the sidewalk. That's that
7 10-foot grass area that we have on one or both
8 sides of the road. Some treatment can be
9 accomplished there, but that's not going to be
10 enough to meet the criteria that we have to meet
11 for this project.

12 So we show on the plan several other
13 areas shown as drainage easements where we
14 envision we need to potentially construct other
15 types of treatment mentioned. For example, here's
16 one here. This is the Town park property. This
17 is Bell Hill Road. This is one area that we're
18 looking at for potential graded treatment swales,
19 which is what this green area represents.

20 So there are a few of these depicted on
21 the plan. One is here. One is here. This is
22 Meetinghouse Road. There's a couple here.
23 There's Liberty Hill Road. And there's a couple

1 more up here between Colonial Drive and
2 Constitution Drive. So these are areas where we
3 would need to acquire drainage easements from
4 private property, so we'll be taking property in
5 order to construct these drainage treatment areas.

6 In addition to that, we show three other
7 larger proposed acquisitions of areas that
8 potentially can be used for drainage treatment,
9 and those three areas are -- one is right here,
10 which is the Fitzgerald Tile property. The second
11 is this property here just to the east of
12 Meetinghouse Road. Currently it is a vacant
13 property, but it does have a building and a
14 parking area on it. And the third area is this
15 property just to the east of Nashua Road, which is
16 currently a vacant piece of property.

17 In the first two instances, we're
18 proposing to completely acquire those two
19 properties. In this instance, we're proposing to
20 acquire just a portion of the property closest to
21 Route 101 for potential construction of some sort
22 of detention basin or retention basin. Those are
23 the type of treatment areas that tend to take up a

1 lot of space to get them operating effectively.

2 So that aspect and those impacts to
3 private property for the issue of storm water
4 treatment is something that we've developed
5 relatively recently. We weren't showing all of
6 this on previous -- at previous public meetings.

7 We just had not developed that issue to
8 the level that we have at this point, and our hope
9 would be that if we move forward and further
10 develop the design of the storm water treatment
11 system, that we won't need to do all of this.

12 What we're showing on the plan is what we
13 feel is a worst-case scenario in terms of the
14 impacts to private property. Hopefully, as this
15 evolves we'll be able to step back from some of
16 these impacts and some of these potential
17 treatment areas and accomplish our goals within a
18 smaller footprint, but that's yet to be
19 determined.

20 I just have a couple more issues to raise
21 for the proposed design. Utility impacts. There
22 will be impacts to utilities with this project.
23 As you might imagine, there are numerous utility

1 poles that will require relocation.

2 There is also an underground telephone
3 line on the north side of the road from
4 Meetinghouse Road -- excuse me -- from Bell Hill
5 Road up to Liberty Hill Road. Some or all of that
6 line will likely need to get relocated.

7 And, lastly, on the issue of utilities,
8 the Town has made us aware that they are
9 potentially interested in partnering with this
10 project to install new sewer and/or water lines
11 between Wallace Road and Meetinghouse Road. And
12 we told them we're happy to work with them to
13 bring that into the design and the construction of
14 this project. If they could make a decision on
15 that in the relatively near future, as I said,
16 that will become part of the project.

17 The cost still needs to be paid for by
18 the Town for that infrastructure construction, but
19 generally it is a cost savings for the Town to do
20 that as part of a bigger project like this rather
21 than as a stand-alone project. So we're happy to
22 work with the Town and make use of this corridor
23 for that.

1 The last issue I wanted to touch on is
2 the issue of property impacts and the need for the
3 proposed right of way layout in order to achieve
4 what's proposed on these plans. As Victoria
5 mentioned, basically every property between
6 Wallace Road and Constitution Drive is going to be
7 impacted in some manner by this proposed design.

8 Some are impacted more than others.
9 Victoria mentioned that could be in the ballpark
10 of upwards of 70 properties, so we have a lot of
11 people to work with. Most of the impacts to
12 private property involve one or both of a strip
13 acquisition of property, say along the frontage of
14 the property where it abuts Route 101 as well as
15 potential easements either for the slope work
16 that's required to construct the proposed
17 improvements or for drainage treatment or we show
18 some other smaller drainage easement areas that
19 would typically be inlet or outlet points for the
20 pipes, the drainage system, that's required to
21 appropriately provide drainage for the roadway.

22 So strip acquisitions and/or easements on
23 virtually every property, and then there are those

1 two properties that are proposed. You can see the
2 acquisitions right here, parcel number 12, and up
3 here, parcel number 36.

4 We did hear lots of concerns from
5 abutting property owners at previous meetings that
6 we've held. We've tried to address those, and we
7 will continue to address those as we move forward.
8 An example of one of those that we heard at
9 earlier meetings in this area, many of these
10 homeowners expressed concern over their wells
11 because this is an area where there's ledge that
12 we're going to have to remove, and there were
13 concerns that that process would impact their well
14 water.

15 We have a program that we will use for
16 this project to monitor and sample people's well
17 water before and after construction to determine
18 if there has been an impact caused by the
19 construction. We've already had our survey crews
20 go out there and locate many of these wells that
21 they're showing on the plan here, so we can be
22 sure and address that issue.

23 So I'm sure there will be lots more

1 issues like that moving forward, and we're going
2 to do our best to address the individual concerns
3 and minimize impacts as best we can while still
4 achieving this significant widening of the
5 roadway.

6 Lastly, we are proposing to lay out what
7 we call controlled access right of ways as part of
8 this project. What controlled access right of way
9 means is we've identified for each property that
10 has frontage on Route 101 how many points of
11 access, we mean driveways, that property would be
12 allowed to have onto Route 101.

13 For the most part, we're not restricting
14 or eliminating any existing driveways. There are
15 some that have access limited by raising an
16 island, so we might come right straight in and
17 right straight out but not proposing to eliminate
18 any existing driveways, I don't believe.

19 Our main goal with establishing the
20 controlled access right of way is to preclude the
21 future proliferation of additional driveways on
22 Route 101, which would only compromise the safety
23 and the capacity of this roadway, and so we're

1 trying to -- we're trying to control that from
2 happening in the future.

3 So every property listed on the plan
4 here, next to every property owner's name is a
5 note depicting how many points of access that we
6 are proposing for that particular property as part
7 of this layout of the controlled access right of
8 way.

9 With that, Victoria, I think that's all I
10 have.

11 MS. CHASE: Thank you, John. Lots of
12 details. That's the importance of hearing your
13 input as well. John talked about the number of
14 properties that we're going to need to acquire
15 property rights from. Nancy Spaulding, the right
16 of way engineer, is going to talk to us about the
17 right of way process.

18 MS. SPAULDING: Thank you, Victoria. Can
19 you hear me? Members of the Special Committee,
20 Commission Members, ladies and gentlemen, before I
21 go into the right of way procedures for this
22 project, there are a couple of items I would like
23 to mention.

1 First, as Councilor Pappas stated, if
2 anyone wishes to submit additional testimony as a
3 result of this hearing or in regard to these
4 plans, you can address the material to Chairman
5 Pappas, care of William Cass, and mail it to the
6 NH D.O.T. address shown on the hearing handout
7 within 10 days of tonight's hearing.

8 It is also available on the sheet that is
9 at the greeting table in the back of the room.
10 You could ask any of the Department staff during
11 the meeting -- excuse me -- after the conclusion
12 of this to have a copy of this for your use.

13 We also have with us tonight copies of a
14 booklet entitled, "Public Projects and Your
15 Property." The booklet will describe the right of
16 way acquisition and relocation assistance
17 procedures that are utilized by the State. This
18 booklet is especially important for the property
19 owners directly affected by the proposed project.
20 These are also available from the Department
21 staff.

22 Control of access, as John mentioned, is
23 proposed as part of this project. The intent is

1 for the proposed access points that are shown on
2 the plan tonight to coincide with those that exist
3 on the ground today.

4 If, after review of the information
5 received at this hearing and the 10-day comment
6 period, Chairman Pappas and the Special Committee
7 find necessity for the layout, several things will
8 happen. First, with approval to proceed with the
9 design of this project, the Department will begin
10 preparing appraisals for each of the properties
11 affected by the proposed construction that you see
12 on the plans.

13 A staff appraiser from our Department or
14 a fee appraiser hired from private industry will
15 contact each owner to appraise their property.
16 The appraisals will reflect the fair market value
17 of the property rights needed for the new
18 construction.

19 Prior to starting negotiations, the
20 appraisers -- appraisals are reviewed separately
21 to see that all appraisals are accurate and have
22 taken into account all applicable approaches to
23 value.

1 The value in the reviewed appraisal will
2 be the offer of compensation used by the Layout
3 Commission consisting of Ray Chadwick, Thomas
4 Dublois, and John Brady, who are present here this
5 evening. The Commission members have been
6 appointed by the Governor and Executive Council as
7 a basis for negotiations.

8 The Commission will visit each property
9 owner and discuss each acquisition separately. We
10 encourage owners at that time to ask questions and
11 bring up concerns that they feel should be
12 considered. If the property owner is satisfied
13 with the offer, deeds are prepared, and ownership
14 is transferred to the State.

15 If the owner is not satisfied with the
16 figures the Commission offers, they can appeal to
17 the New Hampshire Board of Tax and Land Appeals
18 and argue for additional compensation there. It
19 is important you understand that this can be done
20 with or without an attorney. Either party can
21 appeal the Board's decision to the Superior Court
22 if they are not satisfied.

23 Anytime after this hearing or before

1 design approval, all information in support of
2 this hearing is available at the Department's
3 headquarters in Concord for your inspection and
4 copying. There is relocation assistance
5 available, and a right of way agent will be
6 assigned to this project as necessary. That is
7 all. Thank you.

8 MS. CHASE: Thank you, Nancy. We
9 mentioned the complexity of the water quality, and
10 John described what our intentions were, but Marc
11 Laurin from our Bureau of Right -- Bureau of
12 Environment is going to describe -- sorry, Marc --
13 is going to describe the other features and the
14 process of getting environmental permits. Thank
15 you, Marc.

16 MR. LAURIN: Well, thank you, Victoria.
17 Councilors, Commission Members, ladies and
18 gentlemen, pursuant to the National Environmental
19 Policy Act, the New Hampshire Department of
20 Transportation has evaluated potential impacts the
21 project will have upon social, economic, and
22 environmental issues.

23 Coordination was established, and input

1 has been received from federal and state agencies,
2 including the U.S. Army Corps of Engineers, the
3 New Hampshire Fish and Game Department, New
4 Hampshire Wetlands Bureau, New Hampshire Natural
5 Heritage Inventory Bureau, and the New Hampshire
6 Division of Historical Resources.

7 In addition -- thank you. In addition,
8 input was received from towns and regional
9 officials and concerned citizens. After
10 evaluation of the information gathered, a draft
11 environmental study was prepared. The following
12 is a brief summary of information contained in
13 that document.

14 A noise evaluation was conducted to
15 assess the noise impact and determine the need and
16 feasibility of noise barriers that would meet the
17 Department's Noise Abatement Policy. Under the
18 2037 build condition, seven residential receptors
19 and one commercial receptor will experience sound
20 levels that would exceed the NH D.O.T. noise
21 abatement criteria.

22 Evaluations were conducted, and it was
23 found that none of the four potential barrier

1 areas were feasible or reasonable in accordance
2 with the Department's noise policy. Therefore,
3 noise mitigation will not be provided in
4 association with this project.

5 The project will not have any adverse
6 effects on the air quality in the area, nor will
7 it contribute to violations of the National
8 Ambient Air Quality Standards.

9 An initial review of the New Hampshire
10 Department of Environmental Services' OneStop
11 website was conducted to identify the potential
12 for oil/petroleum contamination or hazardous
13 materials within a thousand feet of the project
14 corridor.

15 Further evaluation, including site visits
16 and more comprehensive file reviews of the
17 properties are needed to assess the potential risk
18 at three areas located along and in the vicinity
19 of New Hampshire 101.

20 Pursuant to Section 106 of the National
21 Historic Preservation Act of 1966, the Department
22 identified and assessed the project's impacts on
23 cultural resources. These are buildings, historic

1 districts, structures, as well as archaeological
2 sites that are generally greater than 50 years of
3 age.

4 The Bedford Village Historic District was
5 identified, and one individual historic property
6 was determined to be eligible for listing in the
7 National Register of Historic Places. The Bedford
8 Town Hall was identified as a listed resource in
9 the National Register of Historic Places.

10 In consultation with the New Hampshire
11 State Historic Preservation Officer and the
12 Federal Highway Administration, it was determined
13 that the project will have no adverse effect on
14 the Bedford Village Historic District, and there
15 will be no effect to the Bedford Town Hall.

16 It was determined, however, that the
17 project will have an adverse effect on one
18 individual eligible property at 2 Liberty Hill
19 Road. A Memorandum of Agreement addressing the
20 proposed action and outlining the specifics of the
21 appropriate mitigation measures for the adverse
22 impacts to this property will be developed and
23 signed by the State Historic Preservation Office,

1 Federal Highway Administration, and D.O.T.

2 Archeologically sensitive areas within
3 the project area will be further investigated, in
4 coordination with the New Hampshire Division of
5 Historic Resources -- Historical Resources, to
6 determine whether any resources are present.

7 There will be approximately four acres of
8 wetlands impacts associated with the project. As
9 such, these impacts will require an Individual
10 Permit from the U.S. Army Corps of Engineers and a
11 Major Impact Dredge and Fill Permit from the New
12 Hampshire Department of Environmental Services,
13 Wetlands Bureau. Mitigation discussions have been
14 initiated and are ongoing with the Corps and the
15 Wetlands Bureau.

16 An in-lieu fee to the New Hampshire
17 Division of -- New Hampshire Division of
18 Environmental Resources Aquatic Resource
19 Mitigation Fund is being considered. Preservation
20 and conservation easements on undeveloped
21 properties would also be evaluated as appropriate.

22 A search of the New Hampshire Natural
23 Heritage Inventory Bureau database has been

1 conducted to identify rare plants and animal
2 species or exemplary natural communities within
3 the project limits.

4 Two species of State-endangered reptiles
5 and one reptile of special concern were identified
6 in the vicinity of the project area. Coordination
7 with the New Hampshire Fish and Game Department
8 did identify that impacts to these species are not
9 expected as long as sloped curbing is primarily
10 used in the median islands to allow turtle
11 crossing opportunities across New Hampshire 101.

12 The project is located within the
13 100-year flood plain of Riddle Brook and an
14 unnamed tributary to Riddle Brook. Minor impacts
15 to the flood plain will occur and are not
16 anticipated to cause permanent flood storage loss.

17 Coordination with the New Hampshire
18 Office of Energy and Planning, the National Flood
19 Insurance Program, the Flood Plain Management
20 Coordinator has been initiated and will be
21 ongoing.

22 Minor impacts will occur to two
23 conservation properties, the Bedford Village

1 Commons and the Richard Nault Conservation Land
2 located on Meetinghouse Road. The mitigation
3 discussions for these impacts has been initiated
4 and will be further evaluated with the Bedford
5 Land Trust, who holds the conservation easement on
6 these properties, and this will be done as the
7 project design progresses.

8 Ongoing coordination with the Town of
9 Bedford has confirmed that the proposed
10 construction will not substantially affect the
11 recreational purposes of the park. Access to the
12 park will remain during construction, though some
13 portions may be temporarily closed.

14 As John mentioned, storm water detention
15 and water quality treatment measures have been
16 evaluated at several locations. Proposed storm
17 water treatment measures include a number of
18 low-impact design measures, which include the
19 bioretention, the tree box filters, porous
20 pavement sidewalks, and also could include larger
21 structural treatment areas that could be retention
22 or detention basins. These measures will likely
23 have a net benefit on the water quality since the

1 project area currently does not have any storm
2 water treatment.

3 The contractor who will be responsible
4 for the construction of the project will be
5 required to prepare a Storm Water Pollution
6 Prevention Plan specific to the project and
7 construction scheduling and prior to commencement
8 of any construction activities. This plan will
9 ensure that all exposed areas during construction
10 activities are stabilized and are using
11 appropriate erosion control techniques.

12 Temporary increases to noise and dust
13 levels are anticipated during construction. These
14 temporary increases are expected to return to
15 normal after construction.

16 I have a copy of the draft environmental
17 study here for anyone who would like to look it
18 over. You can see me after the hearing if you
19 would like to review it or have a copy. This
20 concludes my presentation. Thank you, Victoria.

21 MS. CHASE: Thank you, Marc. I just want
22 to mention a couple of more things, and then we're
23 going to give you guys time to speak. The

1 preliminary costs. At this point we're very early
2 in. We're carrying about a 13-million-dollar
3 construction cost. If the project does go to a
4 successful Special Committee vote and we move
5 forward, that could change, but it's our best
6 estimate at this stage. So 13 million dollars.

7 The funding is primarily federal and
8 state. The only town funding, as John mentioned,
9 would be for if the Town moves forward with sewer
10 and water.

11 The schedule. Tonight is the public
12 hearing. The schedule is to take testimony, and
13 then I need for the Department, the Commissioner,
14 to prepare a report that addresses each of those
15 issues. So you'll -- if you submit testimony
16 tonight, you will get a letter from me
17 acknowledging that. And then after a time, after
18 I have time to prepare that report, you'll get
19 another letter that says what we did to address
20 the issue.

21 That report, we call it the Report of the
22 Commissioner, will be presented to the Special
23 Committee and the Commission, and it will be

1 discussed with them. If they feel we have
2 appropriately addressed the issues and they decide
3 to vote for the necessity of the project, they
4 will do that. The project will move forward into
5 final design and continue on.

6 The schedule -- should that happen, the
7 schedule is we're hoping to advertise for
8 construction in the fall of 2016. You probably
9 wouldn't see a lot of construction until 2017.
10 John talked about the utilities. Some of those
11 relocations could take a substantial amount of
12 time. So that's kind of the time frame for the
13 actual construction if the project moves forward.

14 I'm hoping we can reconvene the Special
15 Committee and the Commission, if I can do my
16 homework on time, late winter, early spring, by
17 the time we process that, and their vote is a yea
18 or a nay at that meeting.

19 So should the project move forward,
20 should the Special Committee vote for the finding
21 of this project, there will be the right of way
22 acquisitions, which both John and Nancy talked
23 about. My hope is we can be doing that next

1 summer. You know, you'll see activity. You'll
2 start hearing from appraisers. We need to develop
3 more definitive plans before we do that, but we're
4 reluctant to do that until we have the action of
5 this hearing. So that's kind of the time frame.

6 It's important to mention that there is
7 some landscaping that is being discussed. There
8 are sidewalks being discussed. There's a town
9 road that is being proposed down by Carlyle Place.
10 Those things, the Town will be required to sign an
11 agreement with us to commit to the maintenance of
12 them once they're constructed. So that's
13 important for everybody to know that if you do
14 really want that vision, you've got to come
15 together as a community and finance the
16 maintenance of it.

17 This concludes our presentation,
18 Councilor, of the 101 reconstruction, and I
19 respectfully ask the Special Committee to find in
20 favor of the layout that we've presented tonight.

21 CHAIRMAN PAPPAS: Thank you, Victoria.
22 Thank you all for the great information you
23 provided here tonight. Now, we certainly want to

1 give everyone the opportunity to be able to speak.
2 I will call on folks one by one, and when I do you
3 may approach the podium.

4 You'll notice there's a sheet up there
5 where you can sign in, to leave your name and
6 address, so that Victoria and the Department will
7 know how to get back in touch with you. That's
8 critically important, but please also state your
9 name and where you live, too. I think it will be
10 helpful for those of us in the room.

11 I know we have a lot of folks here that
12 are interested in speaking, so try to be succinct
13 and be respectful of folks' time. And, also, you
14 still have the option of submitting written
15 testimony within 10 days. We've said that, and
16 there are forms in the back where you can do that.

17 Am I missing anything here?

18 MS. CHASE: I don't think so.

19 CHAIRMAN PAPPAS: Okay. Why don't we
20 open it up, and, Elaine, we'll start with you.

21 MS. TEFFT: Thank you. My name is Elaine
22 Tefft. I live at 7 Meetinghouse Road in Bedford,
23 New Hampshire, and I'm very concerned about this

1 project. The high -- Route 101 is the main
2 east/west highway in the state. It's important
3 not just to Bedford, but it is important to
4 everybody who travels east and west in this state.
5 Tourists, residents as well. They haven't been
6 considered.

7 The highways were built, designed, and
8 instituted to move traffic, to get cars from point
9 A to point B. They were not meant to be a
10 decorative effect on any kind of real estate.
11 They are meant to move traffic, which is something
12 we have a problem with in Bedford on 101.

13 What this plan does is instead of
14 encouraging the traffic to keep moving, it is
15 deliberately, deliberately building four
16 bottlenecks, which is going to make it
17 substantially worse.

18 Without crosswalks now, you can't get
19 from 101 and 114 to Wallace Road within a
20 reasonable period of time during a certain time
21 period. And if you're going to take time to stop
22 for crosswalks, you are simply going to
23 exponentially increase that problem.

1 My understanding is that the gas tax paid
2 by everybody is going to be in part used to pay
3 for this road. Not just the gas tax we pay here
4 in Bedford. There are going to be -- there are
5 going to be taxes paid by a substantial number of
6 people who have an expectation, who have an
7 expectation of being able to go from point A to
8 point B.

9 Some of you -- well, a few of you are old
10 enough to know about the rock in Dublin right in
11 the middle of town. There is never going to be a
12 four-lane highway from Portsmouth to Keene because
13 that rock's going no place. It's an impediment.
14 But you are deliberately putting impediments in
15 the movement, and I would ask you to please not do
16 that.

17 And if you think you want to do that,
18 then I think the only decent and fair thing to do
19 is to hold hearings like this in all of the areas
20 of the state and ask them. How do you feel about
21 making a bad situation much worse? Because that
22 is exactly what this is going to do, and I would
23 ask that you do hold statewide hearings to do

1 that.

2 I also at the last hearing asked to know
3 how many accidents had been in that area of 101 in
4 the last five years. I have yet to see those
5 figures. I also asked for figures on the increase
6 in traffic in the last five years in going through
7 Bedford. I haven't seen those figures. The only
8 figures that were available at the last hearing
9 were 10 and 12 years old. I think that's
10 important information for us to have to consider.

11 Additionally, I am concerned about what
12 you're doing at Meetinghouse Road, that
13 intersection there where you're making it not only
14 attractive but possible for people to cross and
15 walk up and down across the highway at
16 Meetinghouse Road.

17 I've already got a litter problem with
18 people in the middle of town, and, frankly, I'm
19 tired of cigarette butts and beer cans and other
20 trash in my yard. And what's the point of my
21 trying to make my property look decent? I can't
22 afford to hire a janitor for my property. I can
23 barely afford to hire a plow guy.

1 And, also, I think I would like to know
2 which homes will be affected by the noise problem.
3 There was seven, I believe. Are we going to be
4 told who those people are? Or are those people
5 going to be told about that noise? Because sound
6 is a funny thing. You turn it loose, and it goes
7 in funny places just like water.

8 I would ask you to go slowly on this. I
9 know the money's burning a hole in your pocket.
10 But if you don't do it right, which means remember
11 that your job is to keep the cars moving, not
12 creating crosswalks for people to walk across the
13 busiest highway in the state. It's our only
14 east/west highway.

15 And if you're going to do that, I think
16 you owe it to the voters in this state, all over
17 the state, to hold hearings and ask them what they
18 think, how they -- how they would maybe like to
19 have crosswalks across the main highway. And if
20 you can't afford to do the hearings in the whole
21 state, simply do the hearings all along 101. We
22 can't -- you know, maybe crosswalks on 101 in
23 Epping or -- or -- and see what their reaction is.

1 I'm obviously not in favor of it, but I
2 do want to -- I do want to thank everybody who
3 spoke. You're obviously very well-prepared. You
4 gave us a lot of information. Actually I'd like
5 to think of it as weapons, and -- but this is not
6 a good idea. This is just not a good idea.

7 A highway and improvements, desperately
8 needed, but please no highway improvements, not
9 making Bedford even cuter than it is now. We need
10 to get the cars out, back, and moving so the
11 people can actually get to where they are, and
12 they don't take chances, and they don't have the
13 tons of accidents we're having.

14 Thank you for your patience, and I hope
15 to get that information from you as soon as
16 possible regarding the figures for the last five
17 years. I'm quickly writing my name and address.

18 CHAIRMAN PAPPAS: Victoria, do you have
19 any information you can give us tonight on a
20 couple of the issues? She mentioned public safety
21 and traffic counts. I don't know if that was part
22 of the corridor study or if there's been any
23 updated information you have.

1 MS. CHASE: I don't know if we have the
2 specificty of the accident history study. You
3 mean of the accident history?

4 MR. BUTLER: I don't have it here
5 tonight. We can certainly provide that.

6 MS. CHASE: Yeah, and the volume
7 increase. We can get that.

8 CHAIRMAN PAPPAS: Thank you. Yes, in the
9 center row.

10 MR. CLARK: First of all, thank you for
11 all of your allowing of us to, you know, publicly
12 throw this around. My name is David Clark, and I
13 live at 62 Bedford Center Road. And can I
14 approach the map just to show you where we all
15 are?

16 CHAIRMAN PAPPAS: Sure. You can take the
17 mic with you, I believe, if you'd like.

18 MR. CLARK: Thank you. Thank you. I
19 live at 62 Bedford Center Road. This is my house.
20 You're planning on a water quality treatment basin
21 in what used to be the Brooks property, which is
22 now owned by the Bank of America.

23 I own this piece of property, and if you

1 wrap around, I own all the way down to 101. And I
2 actually own a tenth of an acre on the other side
3 of 101. So I guess my -- my -- my issue here is,
4 you know, eminent domain, widening the road, I
5 don't -- I -- I think you've done a good job
6 planning that out. I don't agree with putting
7 sidewalks down. I don't think anybody's going to
8 use them. I think you're taking more land than
9 you need on the sidewalk issue.

10 I think, also, it's crazy to put
11 sidewalks next to a two-lane highway. I think
12 you're asking for automobile and pedestrian
13 accidents. I really do. You know, people texting
14 and people not paying attention. I think you're
15 really asking for it by putting sidewalks in this
16 area because I mean I -- I live here, and I know
17 that these cars are going 55 and 60 miles an hour.
18 You know, especially during nonprime hours.

19 My big -- my big fear is the water
20 retention. We have a State hydrologist in our
21 midst, and I'll be talking to him after this.
22 I'll be talking to -- I think it's Marc as well on
23 the impact on our -- on our well water.

1 It was probably 10 years ago when the --
2 um -- we had -- in Bedford Center we had a real
3 problem with the Butler property, I mean to the
4 point where the Butlers razed their house, moved
5 out of the -- moved out of the property with an
6 MTBE problem.

7 So, you know, we're all very -- and our
8 wells have all been monitored, and, you know, I
9 really look at this being a catch basin where a
10 lot of ground water with, as you said, pollutants
11 will be concentrated in one area.

12 And with that concentration of the water,
13 the runoff water, you're also going to be
14 concentrating high levels of, you know, MTBE, oil,
15 grease, sludge, so by turning this into a big,
16 hyper, super sludge pool in my backyard, I am
17 really freaked out about what it's going to do to
18 my ground water.

19 I do not want my well being poisoned, and
20 I've had enough issues and problems with that
21 Brooks property over the past 10 years to last a
22 lifetime. I mean it's been horrible. And I'm
23 glad it's going to be ripped down and turned into

1 something because it's just been a nightmare, but
2 I don't want to deal with another nightmare. I
3 don't want my wells poisoned.

4 The -- two more questions that I have,
5 and that is what is going to be done about speed
6 control? You're turning it into a highway, and
7 that's a real concern for a lot of people. And
8 the other thing I'm looking at is where does the
9 traffic go during construction?

10 Because I do live on Bedford Center Road,
11 and that is a real -- that's a real shortcut for
12 people going off to North Amherst. And with the
13 construction I'm sure it's going to become even
14 more used despite its being probably the worst
15 road in the entire state. I mean it is that ugly
16 a road.

17 And, you know, that's a whole other thing
18 for another Town Meeting or whatever, but I know
19 that we have certain roads that are earmarked for
20 improvements. I would like to know where the
21 traffic is going to go. And that's it. So I'll
22 be following up on this big time. Thank you for
23 your audience.

1 CHAIRMAN PAPPAS: Thank you. Make sure
2 you sign in. Victoria, I don't know if you can
3 address now those two issues that he raised. One
4 was the speed. The other was what we would do to
5 divert traffic during construction.

6 MS. CHASE: The speed, our hope is that
7 the improvements will help with safety. Speed is
8 really a local issue. So I -- we aren't changing
9 the speed limit. It's not our intention. I would
10 encourage you to speak locally about the speed.

11 MR. CLARK: Is this a state highway?

12 MS. CHASE: It is.

13 MR. CLARK: And that's being built by the
14 State?

15 MS. CHASE: Right.

16 MR. CLARK: So why is it a local issue?

17 MS. CHASE: I am not a local police
18 officer, so I don't know how they partner with the
19 State Police, but I can't answer that.

20 MR. CLARK: Because I -- there's never
21 speed control on 101 at all. There's -- you know,
22 going through red lights, you know, there's --
23 there's -- there's, you know, a police officer at

1 a certain intersection at certain times, but I
2 don't ever see any speed control.

3 MS. CHASE: I would encourage you to
4 speak locally because they may have resources.

5 MR. CLARK: But it's a state road.
6 It's -- it's being built by the State Highway
7 D.O.T.

8 MS. CHASE: The issue of construction,
9 our intent is basically to keep the road open.
10 Will it be inconvenient? Yes, for a period of
11 time it will be. I believe, and I think most
12 people will agree, there already is diversion
13 because of the congestion. People are already --
14 if they know local routes, they're already
15 diverting.

16 We don't encourage that during
17 construction, but it -- it may continue to happen
18 as it is today. But in the short time, once the
19 project is constructed, people will come back and
20 start using the road and stop the diversions
21 around.

22 MR. CLARK: Well, I would -- I would -- I
23 would recommend -- highly recommend that you close

1 off the -- after the Bedford Village Inn, you
2 close off Bedford Center Road to right turns
3 coming from the Manchester side, and that will
4 take away -- I mean tonight I came home, and I was
5 behind 10 cars coming up Bedford Center Road, and
6 they're all using it as a cut-through. They're
7 all in a 30 -- 25-mile-an-hour, 30-mile-an-hour
8 zone, and they're ripping. I mean they're going
9 50 miles an hour.

10 And we've tried to get -- um -- speed
11 control. We've asked for that, but it's not going
12 to happen. So my recommendation is just to dead
13 end that road out and force people to take the
14 Meetinghouse --

15 MS. TEFFT: Oh, thank you.

16 MR. CLARK: -- the Meetinghouse light.
17 One of my sons was on his way -- he was late. He
18 was going to Manchester West, and he took a
19 left-hand turn out of there, and he got whacked.
20 I told you not to do it. Well, I know, but I was
21 late. So, you know, I'm surprised more people
22 haven't gotten hurt there.

23 But I would -- I would really like to

1 hear -- you know, I hear about all this monitoring
2 of the wells, to get back to my main issue. My
3 question is okay, what happens when our well
4 becomes poisoned and contaminated? You know, what
5 does the State do for us then? Because once that
6 ground water and the hydrology has been
7 interrupted --

8 MS. TEFFT: It's gone.

9 MR. CLARK: -- it's not something I think
10 the State can guarantee a fix on. Thank you very
11 much.

12 CHAIRMAN PAPPAS: Yes. On this side.

13 MR. BISCORNET: Gentlemen, ladies, my
14 name is Bruce Biscornet. I'd like to go to the
15 map there for a minute. I live here at the corner
16 of Meetinghouse and 101 near the -- by the pond.
17 I've been there approximately 35 years.

18 Initially when we developed the site, we
19 planted trees along 101, Meetinghouse, and
20 Pinecrest Drive. Those trees currently today are
21 about 18 feet tall. When we built and developed
22 the site, Route 101, there really wasn't a whole
23 lot of traffic compared to what it is today.

1 And my biggest issue and problem is I'm
2 afraid that those trees are going to die from the
3 snow, ice, and salt that's going to be created by
4 moving the road closer to the trees and just the
5 additional snow and salt that's going to be
6 required on the new road.

7 And my understanding was that it was
8 about -- the edge of the sidewalk was five to six
9 feet from -- from the trees. Tonight, John here
10 tells me it's about eight feet. I don't think a
11 couple feet matter one way or the other. And I
12 just believe within a year or two all those trees
13 will be dead.

14 And the other issue there, between the
15 base of the trees and the top of the center line
16 approximately of the existing road, the trees are
17 about five to six feet lower. Again, I understand
18 tonight there's going to be a land taking there
19 and a slope easement, but there's still no
20 provision for the trees that I've grown there for
21 35 years to block the highway, the noise, and so
22 forth so that there's privacy there.

23 I mean I'm not a mind reader. I didn't

1 know the road would end up like this 35 years
2 later. And then, on top of that, that I -- I
3 understand there is no noise abatement. I'm not
4 sure where that comes from.

5 We sent a letter to the Director, William
6 Cass, and explained that we would accept a berm
7 there and a substantial fence of some type and as
8 a concession to what the State and the Town want
9 to do on the road. And I don't assume any of that
10 is going to take place either because normally a
11 berm and a fence would be a result of noise.

12 And I don't know what other alternatives
13 there are. You know, down -- way down in front of
14 the Bedford Inn, the Bedford Inn there, Village
15 Inn, I understand, again tonight, that the road
16 has been moved over because of one oak tree.

17 Well, we have, I would dare to say, just
18 along 101 alone we have about 80 trees that are --
19 again, I've repeated myself -- have been there for
20 35 years, and there appears to be no consideration
21 for that at all from what I can find out, you.
22 know, from these hearings and so forth. Thank
23 you.

1 CHAIRMAN PAPPAS: Thank you. And please
2 do sign in. Yes, in the back.

3 MR. BRYFONSKI: Good evening. I just
4 have a quick comment. My name is John Bryfonski.
5 I'm the Chief of Police here in Bedford. And in
6 regards to speed enforcement on 101, the Bedford
7 Police Department has a very robust highway safety
8 enforcement program. We have substantial
9 information and statistics regarding the number of
10 directed speed controls, traffic signal controls.

11 We participate in the State's Highway
12 Corridor Program that is funded through the State
13 for specific corridor -- 101 corridor enforcement,
14 so I'd be happy to share that information with any
15 member of the public in town that wishes to come
16 forward and ask that of me.

17 CHAIRMAN PAPPAS: Thank you. Yes, in the
18 back.

19 MR. BROCK: Good evening. My name is
20 Paul Brock. It was stated earlier that the
21 project basically had two goals. One was to deal
22 with the -- mitigate congestion and also to
23 improve safety. It's pretty clear that an extra

1 lane for that stretch of highway is going to do
2 very good things for dealing with congestion.

3 I'm concerned about the impact on the
4 safety from a couple of dimensions. Number one,
5 when we are -- when we are not only planning to
6 allow but actually encourage U-turns on a two-lane
7 highway, that feels, to me, like we're asking for
8 trouble because I think it is well-understood that
9 is a -- that is a section of Route 101 that has a
10 propensity for accidents at most of the
11 intersections.

12 I understand the need to restrict turns
13 from some of the -- some of the drives and
14 roadways, though, frankly, I'm at a loss as to why
15 people can make a left-hand turn out of Shorty's
16 but can't make a left-hand turn out of the Bedford
17 Village Inn.

18 But if we are indeed to restrict turning
19 access, and the solution to that problem is to
20 allow/encourage U-turns at the lights, I think
21 we're asking for trouble, and we are -- we are
22 negatively impacting safety, which seems to be a
23 nongoal.

1 The other component of safety that
2 concerns me is -- I believe it was stated earlier
3 that the road for the length that will be improved
4 will have a four foot wide shoulder. As someone
5 who occasionally bikes through that section of
6 town, as someone who drives through that section
7 of town a lot and sees a lot of bikes going in
8 both directions, I am concerned about a shoulder
9 of four feet. That is simply not sufficient given
10 that there is going -- there is and will continue
11 to be bike traffic through that section of town,
12 and a four-foot shoulder simply doesn't cut it.
13 Thank you.

14 CHAIRMAN PAPPAS: Thank you. Yes, on
15 this side.

16 MR. FITZGERALD: My name is John
17 Fitzgerald. I'm the president of Fitzgerald Tile.
18 I would like to walk over to the board and make a
19 couple of points. There are two takings being
20 considered for my property. One would do away
21 with the entranceway on this side of the property.
22 The second one would take the entire property for
23 purposes of storm water under retention.

1 I'm told that the reason that this
2 entrance is being taken is because the State can't
3 engineer a ramp with the proper slope that will
4 allow us to get in and out of that property.
5 We've been using that entrance now for 40 years
6 without any problem. There is a grassy slope
7 here, which I would think the entrance ramp would
8 go over to. There is a lawn area here, and the
9 ramp could go down there.

10 I'm not an engineer, but I know the
11 ramp's been there, as I say, for 40 years. I
12 don't see why it can't remain. We've heard of
13 efforts made from here to here to assure access to
14 landowners and to abutters. I would hope that the
15 same kind of effort could be made here, either one
16 of these hash marks here.

17 I don't know why the State is so
18 interested in my property, but they seem to be
19 very interested in it. If we were to maintain
20 this entrance, it would not affect safety.
21 There's going to be a central elevated area here
22 that would make sure that that entrance and the
23 other entrance are always right turn only.

1 It would not affect afternoon traffic
2 congestion. We do have trucks. We're in the tile
3 business. We run trucks full of tile all the
4 time. Our trucks arrive here by two o'clock in
5 the afternoon. It wouldn't affect the congestion
6 at all.

7 The State has made a point that they are
8 trying to make sure that existing entrances are
9 not forfeited to this project. This is, as far as
10 I know, the only existing entrance that is going
11 to go because they can't figure out how to make a
12 slope and measure. I don't understand that.

13 The second taking has to do with taking
14 the entire property and building what I take to be
15 a man-made pond there to hold storm water runoff.
16 As was mentioned at the 18 or 19 months of public
17 hearing on the project, someone decided two weeks
18 ago that we had to change the whole approach to
19 storm water runoff, and I learned of this plan one
20 week ago. I don't know what to make of it.

21 I would ask the Committee to extend the
22 10-day comment period to 30 days, which would
23 allow me to get some counsel and to develop a --

1 an informed and a reasonable response to this
2 proposal.

3 I'd like to thank you all for coming here
4 and letting people say whatever they want to say
5 about this project. I think this is a great way
6 to run the state, and I regret that I don't live
7 in New Hampshire. Thank you very much.

8 CHAIRMAN PAPPAS: Thank you. And, just
9 for clarification, Victoria, I don't know if you
10 can tell us any more about that 10-day window. Is
11 that in the State statute or is that just a
12 framework that you tend to use?

13 MS. CHASE: It's generally our framework.
14 It can be your call. The project has a very, very
15 aggressive advertising date, which is also public
16 expectation, and the longer we delay that comment
17 period, it puts everything on hold. So maybe
18 there's a balance. Maybe it can be -- you know,
19 it can be up to you. If you want to extend it
20 longer than the 10 days, you have authority to do
21 that. It needs to be done tonight, but that has
22 been done before.

23 CHAIRMAN PAPPAS: Further comment? Yes.

1 MR. SOKUL: Good evening. My name is
2 John Sokul. I'm an attorney at Hinckley, Allen, a
3 law firm in Concord, New Hampshire. I'm here
4 tonight on behalf of Peter and Donna Holden, who
5 happen to be away, otherwise they'd be here
6 themselves. They are the owners of 9 Constitution
7 Drive. They own this property right here.

8 And I'm here tonight to talk about this
9 appendage to the project. I think it's a fairly
10 recent addition to the -- to the plans, and we
11 really haven't had a lot of time to look at that
12 and its impacts either.

13 I think it's being added here because a
14 median is being placed here so that this access,
15 which is not being eliminated, becomes a right in,
16 right out only rather than a -- rather than a full
17 access.

18 And I've got a couple of things to say
19 about that, but it would seem to me that there are
20 some things that could be done here to create or
21 maintain the full access nature of this access
22 point rather than taking property from two
23 innocent bystanders who aren't even abutting

1 Route 101 to allow access through here and then
2 out to the signal.

3 So I'm not sure how it could work, but
4 the project starts right here. And if it would
5 move just a little bit, they could still have full
6 access there. Or if the concern is left out from
7 this access point, it would seem to me that this
8 could be restructured and signed so that there was
9 no left turn here, but you could still have
10 left-entering traffic there.

11 And if the concern is getting emergency
12 vehicles in there, then I think we could have some
13 type of temporary break in the median here to
14 allow emergency vehicles in there. So those are
15 some of my comments.

16 The other thing is we have not had a
17 chance to study the impacts to the Holden
18 property, but we will. And since about 1986, as
19 long as somebody maintains access on a state
20 highway, putting a median in front of it is not
21 compensable damages under state law.

22 And so I would submit to you that the
23 proposed takings there would be unconstitutional

1 under certain amendments of the State Constitution
2 as well as certain amendments to the Eminent
3 Domain Procedures Act, which is really taking
4 private property for the benefit of another
5 private property owner.

6 And I just did have a question about how
7 it would work. Is the State going to take this
8 land, build the road, and then own the road, and
9 the Town just maintain it? Is that the proposal?

10 CHAIRMAN PAPPAS: Would you like to
11 respond, Victoria?

12 MS. CHASE: It's intended to be a town
13 road. It would be town-owned and maintained.

14 MR. SOKUL: But the State would fund it.

15 MS. CHASE: The State would construct it,
16 yes.

17 MR. SOKUL: And if land needed to be
18 acquired, who would pay for that?

19 MS. CHASE: The project would acquire the
20 right of way, yes.

21 MR. SOKUL: Thank you very much. So, in
22 sum, I don't want to belabor the legalities here.
23 I think there's a constitutional issue here. I

1 don't think it's a valid public purpose. I think
2 it plays a couple of private property owners
3 against another.

4 I don't know much about the assisted
5 living facility there. I did look at their
6 website today. It looks like a well-run facility,
7 but they do emphasize that they're a private,
8 for-profit community, and it just seems to be a
9 misuse of the eminent domain powers in this
10 particular instance, so I would encourage you to
11 take a hard look at that. I'll have chapter and
12 verse in a letter that I'll be submitting to you
13 within 10 days.

14 But, again, if they're creating a problem
15 with the median there, I suggest they take care of
16 that in the location of the median and leave these
17 two property owners out of it. I, frankly, don't
18 think you have the constitutional authority to do
19 it. Thank you.

20 CHAIRMAN PAPPAS: Thank you. Sure.
21 Behind the podium. I can't see you, but thanks.
22 MR. RILEY: Good evening, Members of the
23 Council, Members of the Commission and Board.

1 Thank you, first of all. For a person who's been
2 on the Town Council for many years and in the town
3 many, many more, this has been a problem as far
4 back when my dad was here, talking bypasses, all
5 kinds of stuff, so it's a tough problem, a tough
6 situation, so thank you for attempting to cure it.

7 With that said, I hope I can give you
8 some constructive criticism. You hear a lot of
9 no, no, no. Let me give you some idea of what I
10 see as a concern as I travel this road every day.
11 I have approximately five properties on this strip
12 which will all be affected.

13 And, first, a couple of procedure
14 questions. The first thing I heard Victoria say
15 she's hoping the Commission accepts this plan as
16 shown. Well, I hope what she meant to say, and I
17 won't put words in her mouth, that she hopes that
18 the Commission accepts the plan with the
19 modifications and input from the Board here this
20 evening. I think that's what she meant to say.
21 Okay. All right. So thank you. That's one
22 thing.

23 The second thing is notification. I got

1 a notification from one of the people I bought a
2 building from four years ago, and it was sent to
3 them by certified mail. So hopefully there
4 isn't -- there's more up there, and I got the
5 wrong notification. This one was, and I just
6 thought that would be important for you to know in
7 case there were other wrong notifications out
8 there.

9 Now, for constructive criticism for the
10 plan. The plan's been out a long time. I've
11 seen -- back in 2002 when I was on the Council, I
12 saw the plan. We worked on it, all kinds of
13 stuff. Since 2002, there's been a lot of
14 modifications on this road. Like a couple
15 individuals have said, the traffic has greatly
16 increased since 2002.

17 Currently you get off 101. You hit --
18 people are stopped at the intersection. They
19 can't get through because they're stopped trying
20 to get through the light on Old Bedford Road.
21 It's one of the police officer's favorite stops.
22 Stop there and wait for people to stop halfway
23 through and give them a ticket. So there is

1 police enforcement on the road. Again, I'm
2 feeling a ticket.

3 So now we're going to get the traffic
4 going. So we're going from a two or three-lane
5 road. And it is four lanes right up to Old
6 Bedford Road. So my concern is we're not making
7 it a two or three-lane parking lot to a four-lane
8 parking lot from 101, 114, up to Wallace Road.

9 Once you get through Wallace Road --
10 again, traffic goes through Wallace, and it stops.
11 It goes back to two lanes. So in the peak travel
12 hours heading west in the evening and east in the
13 morning, there's problems.

14 Some of this was first started in Bedford
15 High School. Big addition. We were going to put
16 a road over on Wallace Road to get to the high
17 school. Nashua Road was going to be only one of
18 the two access points. It didn't happen.

19 The second thing, the old Silver Brook
20 land, which is now the Copper Door, that whole
21 intersection. Huge development. Huge development
22 with a lot more to come. It's probably only about
23 60 to 70 percent built out. A lot of new traffic

1 now. Trying to get in and out of Constitution is
2 a bear.

3 Now, with that said, I have five
4 properties on Constitution, so I am a little self-
5 serving here, and I admit it, but the property
6 still had about 60,000 square feet of empty space
7 on Constitution. That is the section, the last I
8 checked with Peter C. Martin.

9 We've got approval to build another
10 44,000. There's another 12 acres in there for
11 commercial development land with water, sewer, and
12 gas, which would put another 100,000 square feet
13 that was concept-approved a few years ago for
14 101,000 square feet.

15 Now, I'm concerned because, one, coming
16 from the west, you still can't make a right turn
17 into Constitution. So if the traffic is backed up
18 at that light, all of that traffic heading into
19 Constitution in the morning gets backed up as
20 well. So perhaps a right-hand turn at
21 Constitution will be not a costly but a small
22 benefit.

23 There are a few things here I think you

1 can do without additional funding because I agree
2 with one of the statements this evening. In my
3 personal opinion, a sidewalk on one side of the
4 road is sufficient. I really don't -- I know I'd
5 love to have it on both. I'd like to have a
6 boulevard, but it is a road, and we do have retail
7 establishments on the road. You have to keep
8 visibility, and you got to keep workability and
9 get the traffic flowing. So maybe by eliminating
10 one of those two sidewalks, you can do these
11 slight improvements, but Constitution does need to
12 be looked at.

13 I don't know if there's been a traffic
14 count. Our town -- anybody will tell you there's
15 a problem, especially now coming out of
16 Constitution since they added that land across the
17 street. A lot of people trying to make a
18 left-hand turn. You either get towards 101 to the
19 highway or straight into Constitution left.

20 Well, that backs the Constitution roadway
21 up in the evening down and around the cul-de-sac.
22 So there is a little intersection I'd like you to
23 take another look at. I really think it's a

1 little concern, and I don't think there would be a
2 costly fix at this point in time.

3 Next, the gentleman before me, I didn't
4 know he was going to speak about that, but for
5 someone whose office was at One Constitution and
6 still has deed restrictions on One Constitution,
7 that property cannot be sold, transferred. And I
8 don't even know if it can be done by eminent
9 domain without going through some other processes
10 because I have deed restrictions all over it. So
11 One Constitution could be a problem. So that
12 takes care of the Constitution area.

13 And I also agree with U-turns. You know,
14 I think U-turns are dangerous personally. And if
15 you're heading west in the morning and you miss
16 your turn, to get up to Wallace Road and do a
17 U-turn is dangerous.

18 The Town Manager, Councilor Scanlon, and
19 Rick Sawyer, awesome. I called them. They called
20 a meeting right away and said, "Let's see if we
21 can solve it." We looked at roundabouts. We
22 looked at different ways to turn back. We don't
23 want another 101 down to Nashua. I know some of

1 you remember that. It's very difficult to turn
2 around and get back.

3 U-tunes aren't -- U-tunes -- I must be
4 thinking of my son or something. U-turns can be
5 dangerous, and to have someone go all the way up
6 to Wallace Road or Bedford Village Shops and try
7 to cut across those two lanes of last traffic is a
8 huge concern.

9 So, with that said, one other
10 self-serving concern. We also own 166 and 168 on
11 101, which is the corner of Nashua Road and 101.
12 I met with Town Council, Town Manager. It was
13 great. We went by, and they said we're not
14 restricting, we're not restricting, we're not
15 restricting, skip one, not restricting, not
16 restricting. The one he skipped was mine. Is
17 restricting.

18 Again, when the intersection was done
19 they asked for contributions to the intersection,
20 et cetera, et cetera, and the State agreed to have
21 a painted, raised median in front of 166. They
22 did it. So during the nonpeak traffic hours,
23 which is 20 of the 24 hours a day, you can still

1 make a left-hand turn in. Today they plan on
2 raising the median, so that's the only one they're
3 doing it to.

4 I'm sure we can work something out with
5 the Town, but I would like to see it as a painted
6 median because 90 percent of the time there's no
7 problem, and that one there you would have to go
8 up to the Village Shops, go all the way to 101 to
9 turn back.

10 So, all in all, I think you got a good
11 plan. I think it's going to be a tough row to hoe
12 because there is a lot -- lot of concern,
13 landscaping concerns, tree concerns, wastewater
14 concerns. I know the corner they're thinking of
15 buying and putting a hill in. I love this
16 location, the designer. The problem is that's
17 solid ledge and 30 feet high. It's very expensive
18 to put a pond in solid ledge and 30 feet high.

19 I'd rather see you go back to the Town
20 and say you want the whole common. Let's do some
21 mitigation there. I do a lot of work with the DES
22 in my profession, and I'm sure they will work with
23 you. Again, it's another cost-savings means.

1 Maybe you don't have to blast 10,000 yards of
2 ledge. You can buy something that's a lot cheaper
3 someplace close and get the water treatment there.

4 And the last thing I don't agree with
5 that they're doing 50 miles an hour on Old Bedford
6 Road because if you did 50 miles an hour on Old
7 Bedford Road, you'd lose your exhaust, you'd lose
8 your rotors, and you'd lose your tires. So maybe
9 35. Thank you. And I really do appreciate you
10 trying to correct this problem. Thank you.

11 CHAIRMAN PAPPAS: Thank you. Yes.

12 UNIDENTIFIED WOMAN: You can go if you
13 want. I'm trying to be polite.

14 MS. JENKINS: Hi. Thank you very much
15 for being here today. My name is Amy Jenkins. I
16 live at 24 Bedford Center Road. I would -- I just
17 want to question the noise abatement decision. I
18 would like to invite you -- I am one of the three
19 properties in historic properties on Bedford
20 Center Road that's a concern.

21 First of all, I'm the only house that's
22 up on a ledge. I would like to invite you to come
23 to my home at three o'clock in the afternoon, and

1 then I challenge you to tell me that that noise at
2 this time is not aggressive and egregious.

3 With the lanes that you propose to put in
4 there now, you know, Mr. Riley has spoke to having
5 additional traffic because there's going to be
6 additional commercial property developed there
7 that I -- I can't understand what your criteria is
8 at this current time saying that there's going to
9 be no noise abatement considered on that roadway,
10 especially around those commercial areas.

11 Can you reiterate to me what you said
12 about noise abatement? Were there -- are you
13 Marc? Who is Marc?

14 MR. LAURIN: Yes.

15 MS. JENKINS: Yeah. Okay. What is the
16 criteria for -- have you gone out there with
17 something? I -- I'd just like to know how you
18 arrived at that conclusion.

19 MR. LAURIN: Excellent. Well, basically
20 we hired a consulting engineering firm to do an
21 air and noise evaluation. I've got a report right
22 here, and you can look at it, you know, later
23 on --

1 MS. JENKINS: Um-hum.

2 MR. LAURIN: -- but basically what I
3 said -- I didn't say that you don't have a noise
4 concern. There may be a noise concern there.
5 What we do is we evaluate the feasibility of
6 putting in noise barriers, and this is based on a
7 cost criteria and also a benefit criteria to
8 receptors.

9 And, also, it depends on the lay of the
10 land. You know, if there's driveways that you --
11 that interfere with, you know, putting in of a
12 wall, you're not going to get a noise benefit
13 because you have to put, you know, gaps through
14 the noise barrier.

15 So all of these factors were considered
16 when they evaluated four areas that would meet
17 the -- that exceed the noise criteria limits, and
18 the consultant found that none of those meet our
19 cost criteria.

20 MS. JENKINS: But what is the criteria?
21 I still don't know.

22 MR. LAURIN: Oh. Well --

23 MS. JENKINS: Are you telling me I could

1 look at the book?

2 MR. LAURIN: Yeah.

3 MS. JENKINS: Okay.

4 MR. LAURIN: You can find them in the
5 book, but --

6 MS. JENKINS: I'll do that.

7 MR. LAURIN: -- but I'm -- I'm not as
8 familiar with all the specifics of the noise. We
9 have a noise and air person -- technical person
10 that I can -- we can -- he can discuss that with
11 you, also, but we can look through the document
12 and see what --

13 MS. JENKINS: Thank you.

14 MR. LAURIN: -- what was said.

15 MS. JENKINS: All right. Thank you very
16 much.

17 CHAIRMAN PAPPAS: Thank you. Yes.

18 MR. CHEETHAM: My name is Larry Cheetham,
19 and I live at 34 Bourne Drive, which is a healthy
20 distance from 101, so I'm really what is known as
21 a dispassionate observer of the big dig of
22 Bedford, but I have three quick points for you.

23 I know there's a synergy if we put water

1 and sewer along the road when you dig it up. Does
2 that mean that the State will do two bidding
3 processes? Because I am thinking that you're
4 suggesting that the Town of Bedford would be
5 liable for the incremental costs, not the natural
6 cost of putting in a sewer line and doing the
7 excavation work for that.

8 So if you had a 15-million or
9 12.6-million project, and you also decided at the
10 same time to, with civil engineering concerns, put
11 in the sewer line, then it would raise the price
12 of the project.

13 Would the Town of Bedford be assessed, in
14 your opinion, the incremental cost and not the
15 natural cost of putting in this water and sewer if
16 that's the plan?

17 CHAIRMAN PAPPAS: Victoria.

18 MS. CHASE: Correct. It would be part of
19 the construction project, which is low bid. So
20 the items associated with the construction of the
21 sewer and the water would be reimbursed by -- with
22 the State would be reimbursed by the Town. There
23 would be a force account agreement.

1 MR. CHEETHAM: Right. But I'm saying
2 you're going to do two bids. You're going to have
3 to ask the bidders to come up with not putting in
4 a sewer line and now if they were to put in a
5 sewer line. Contingency costs. Am I correct?

6 MS. CHASE: No, we don't do two bids. If
7 the Town instructs us to incorporate it into our
8 construction contract, the items are incorporated,
9 and there's only one contract with those items
10 included.

11 MR. CHEETHAM: So how do you manage to
12 carve out the cost to Bedford?

13 MS. CHASE: There are items that are
14 directly related. We're not constructing any
15 sewer or water lines. So the items associated
16 with that construction would be identified by the
17 Town.

18 MR. CHEETHAM: Okay. Was there a date?
19 By the way, will you inform the Town there's a
20 date upon which you need to know whether you want
21 RFI to clarify or whatever you're going to be
22 doing for bidding next year to include that level
23 of construction?

1 MS. CHASE: We're working together.

2 MR. CHEETHAM: Okay.

3 MS. CHASE: I understand the Town is
4 doing a design at this stage. We've been working
5 in partnership with that consultant. There's a
6 lot of integration that has to happen because
7 there's a lot of drainage and a lot of highway
8 facilities, and the sewer and water have to work
9 together.

10 MR. CHEETHAM: Well, from a planning
11 point of view, from a funding point of view, from
12 a Town cash flow point of view, from a point of
13 calculating hookup costs for the people along the
14 way or even getting consensus that they even want
15 it to happen, I mean there's a lot of things we
16 have to do. I just want to know what the time
17 line is, but if they're coordinating that with the
18 Town already, then fine. I don't need to be
19 involved.

20 Two quick points, though. Do you plan to
21 do the electronics required for light
22 synchronization for these four traffic lights?
23 What I'm thinking about is eastbound blowing the

1 cars through and westbound blowing the cars
2 through.

3 One of the advantages of enforcing the
4 speed limit, such as 35 miles an hour, is
5 accommodating the speed limit at the junctures
6 where the lights would turn green so that people
7 will be encouraged to go 35 miles an hour because
8 there's no real advantage.

9 We have light synchronization on South
10 River Road now, and it's brilliant. So I'm
11 wondering if -- that's additional electronics, I
12 suspect, but I've put it out there as a thought
13 for you to consider. If you're truly interested
14 in avoiding congestion, then you need to blow the
15 cars eastbound or westbound depending on the time
16 of day.

17 And, lastly, I understand you want to
18 build two four-foot sidewalks, and I heard a
19 couple people concerned about safety. It seems to
20 me like why didn't you build one eight-foot
21 sidewalk on one side and give people some safety?

22 When you say the sidewalks, you mean
23 that's the raised sidewalk that we all know where

1 the curbstone -- there's still separation, a
2 breakdown lane of some nature before there's
3 actually a traffic lane?

4 CHAIRMAN PAPPAS: Victoria.

5 MS. CHASE: In some areas it is right
6 adjacent to the shoulder, and in other areas, as
7 John described, there's a -- there's a grass strip
8 that separates it. So it varies throughout the
9 project.

10 MR. CHEETHAM: Okay. I'd like a
11 recommendation that you put all your energy into
12 one side of the road, having a sidewalk for a
13 piece of it, and then you do have the crosswalk.
14 And perhaps the sidewalk now continues on the
15 other side.

16 I just really feel uncomfortable that
17 four feet, while it's the minimum that you need,
18 is not at all ample for people who may be walking
19 and necessarily more than -- many people walking.
20 And I can call the Town's attention to County
21 Road, the road that brings us to this high school,
22 where we have four-foot sidewalks, and with school
23 children and the tennis courts, I can assure you

1 that car traffic is really treacherous. We go
2 very carefully there. It doesn't seem like four
3 feet is enough.

4 And one parting thought, that you may do
5 light synchronization. Can you make it trump
6 anyone using the crosswalks? What I'm saying is
7 if we are in a period like high-density traffic
8 that you're trying to blow through, then the
9 crosswalks should honor the natural time in which
10 that synchronization would work.

11 In other words, we don't want crosswalks
12 interrupting the flow of traffic on that --
13 whatever the time frame is, three to five, four to
14 six in the evening going west and seven to nine or
15 six to eight or whatever on the roads going east.
16 So a little. Thank you for doing all this. And
17 you're going to come back in three years and tell
18 us how much you like our road?

19 CHAIRMAN PAPPAS: Thank you. Other
20 comments? Let me get folks for the first time.
21 In the back. Yes, ma'am.

22 (The court reporter asks if the last two
23 speakers signed the sheet.)

1 CHAIRMAN PAPPAS: Okay. Folks, if you
2 missed signing in of the sheet, please come up and
3 make sure we have a record of it just so the
4 stenographer can keep track of it, and we can get
5 back in touch with you if we need to.

6 MS. TUFTS-MOORE: Hi. Susan Tufts-Moore,
7 27 Bedford Center Road. I just had some comments.
8 I am sure that the plan needs to be tweaked, but I
9 do think that overall it is a good plan. And I
10 appreciate all the work and effort that everybody
11 has put into this.

12 And I've asked for years or decades for a
13 bypass to town, but obviously that's not going to
14 happen. So I think that this is going to not only
15 contribute to the safety of everybody using the
16 highway, whether you're local or going through
17 here, but I also think this will make the town a
18 lot more livable.

19 As it is now, 101 of course is such a
20 significant barrier between the two sides of town.
21 It's something we have to live with. And if
22 you've ever seen children come down Chestnut Drive
23 from the middle school and the high school and run

1 across 101 through the traffic, it makes your
2 heart stop. And I just feel that we have to do
3 everything we can to keep our pedestrians and
4 bikers safe.

5 And of course in the past, unfortunately,
6 we've had both pedestrians and people on bikes
7 struck by cars while they were using the shoulder
8 of 101, and I think a sidewalk will be a huge
9 improvement, particularly of course where it's
10 separated by a green space. And I feel that it's
11 going to be infinitely better than what we have
12 now.

13 I would think -- do the bikers use the
14 sidewalk, too? I don't know. I would think that
15 would be a possibility. And I do think that
16 pedestrian crossings, of course, are absolutely
17 vital. We have schools on one side. We have a
18 library on the other side. It's critical.

19 And I know I'm going to make a lot of
20 people unhappy when I say this because it costs
21 money, but I really think the Town would do well
22 to take on the maintenance of any proposed
23 improvements. I think it makes a lot of sense.

1 After all, this is -- this stretch of 101
2 is an introduction to the town where people who
3 are passing through, and I think we should put our
4 best foot forward, but of course even more than
5 that, it will contribute significantly to the
6 safety of everybody along the highway.

7 And one more thing on the noise
8 abatement. I know that in Boston, for example,
9 where there -- after the -- in connection with the
10 Big Dig in Boston, there were inner storm windows
11 that were put in a lot of those apartments along
12 that area of the highway to help with the noise,
13 and maybe something like that could be offered to
14 the citizens in Bedford who will be significantly
15 impacted.

16 And, you know, it would -- I think it
17 might -- it might make a big difference to help
18 them inside their houses. Obviously it's not
19 going to help when people are outside, but I think
20 that is something that probably should be looked
21 into if it hasn't been already. So thank you very
22 much.

23 CHAIRMAN PAPPAS: Thank you. Other

1 comments? Yes, sir.

2 MR. FORTIER: Hi. My name is Kevin
3 Fortier, and I live at 3 Liberty Hill Road. I --
4 I just wanted to make sure that I had the
5 opportunity to go on record because we've talked
6 about some of the things tonight that I think my
7 wife and I are very concerned with.

8 This is us here, and our house actually
9 faces Route 101. So when you say that the noise
10 abatement or noise issues aren't going to be
11 addressed, as I look at this, we actually have
12 trees in front of the house to separate us from
13 the roadway, which really helps with the noise.

14 I work from home, so I know what it
15 sounds like during those peak hours, and it --
16 it's -- it's daunting. I had to close windows to
17 talk on the telephone. So if this is actually
18 going to take out -- and it looks like it will.
19 It looks like it will remove a good number of
20 those trees out in front of our home, then that
21 noise becomes an issue for me.

22 You'll also note that this space over
23 here is all green, and I've been told that that

1 has to do with the water, with the storm water.
2 As a house with a well, that also presents a
3 concern for me.

4 I'm also, you know, looking at the
5 historic homes where those -- those are very
6 valuable, valuable resources for us here in town.
7 I absolutely agree with moving south to protect
8 those, but our concern is that that move south has
9 had an adverse effect on the line of the road as
10 it passes in front of our home, which is really
11 going to have it going right by our front steps.
12 So thank you.

13 CHAIRMAN PAPPAS: Thank you. Other
14 comments? Well, seeing none, Victoria, I don't
15 know if you would like to close and address
16 anything that was mentioned tonight or have any
17 parting words for us, but let me turn it back to
18 you.

19 MS. CHASE: I don't think I do. I do
20 want to clarify, though, the sidewalk width. The
21 last gentleman talked about the sidewalk. The
22 sidewalk is, I believe, five feet. The four-foot
23 dimension is the shoulder. So there really, in

1 the most narrow areas, is about nine feet between
2 the edge of where the traffic is traveling and the
3 back of the sidewalk. So there is -- it's five
4 feet is what our Americans with Disabilities Act
5 requires for our sidewalks. The four feet is the
6 shoulder. Recovery for vehicles.

7 MR. CHEETHAM: Is that the breakdown
8 lane, you're saying?

9 MS. CHASE: Well, it's a highway
10 shoulder. So maybe John could tell him more about
11 the purpose, but it's going to carry water. It
12 gives a little bit of buffer room between the
13 traveled -- the traveled way.

14 MR. CHEETHAM: So the curbstone on the --
15 closest to the road portion of the sidewalk, which
16 is now five feet wide, is four feet from a painted
17 line which demarcates the travel lane. Four feet
18 is pretty light, but I'm happy. It's better than
19 zero.

20 MS. CHASE: I think the question is just
21 clarification from the line of travel to the edge
22 of the sidewalk, right?

23 MR. CHEETHAM: That's not the bicycle

1 lane you're talking, that four foot.

2 MS. CHASE: It's a shoulder.

3 MR. CHEETHAM: Right.

4 MS. CHASE: Right. Bicycles can travel
5 there, but it's a shoulder. From the line, the
6 white line, to the edge of the sidewalk at the
7 most narrow point there's a four-foot highway
8 shoulder that separates it.

9 MR. CHEETHAM: Are you going to have a
10 share aisle there for people who already use
11 bicycles?

12 MS. CHASE: No. I just wanted to clarify
13 that.

14 MR. CHEETHAM: You'll have two lanes of
15 cars, a lane for bicycles.

16 CHAIRMAN PAPPAS: Sir, if you have
17 further questions, you've got to step up to the
18 microphone and use it for other folks' purposes.

19 MR. BROCK: Yeah. Just maybe you could
20 continue --

21 MR. CHEETHAM: I have a question if you
22 don't mind.

23 MR. BROCK: I think we're saying the same

1 thing.

2 MR. CHEETHAM: Okay.

3 MR. BROCK: Just to -- to -- for further
4 clarification, if there's a four-foot shoulder,
5 are we correct to assume there is no breakdown
6 lane on this three miles of Bedford Road? Because
7 you can't pull a car over in four feet. Is there
8 no breakdown lane?

9 CHAIRMAN PAPPAS: John, I don't know if
10 you can clarify that for us.

11 MR. BUTLER: Yeah, the four-foot shoulder
12 is the distance from the white stripe to the edge
13 of pavement. We don't necessarily refer to that
14 as a breakdown lane. If someone is pulled over --
15 -- in most cases, there is not going to be curbing
16 adjacent to the shoulder, so you could pull over
17 off the road partially on the four-foot shoulder,
18 partially on the grass that makes it to the
19 shoulder, but in no place are we proposing a paved
20 shoulder wider than four feet.

21 And that's one of those compromises that
22 we're making in trying to minimize impacts to
23 adjacent properties. So in most locations there

1 is space adjacent to the paved part of the
2 shoulder that could be used in an emergency
3 situation, but the paved shoulder, what you
4 probably refer to as the breakdown lane, is four
5 feet wide.

6 MR. BROCK: Thank you.

7 MR. BUTLER: Thank you.

8 CHAIRMAN PAPPAS: Well, seeing no other
9 comments, I don't know if anyone up here, Members
10 of the Commission, want to add anything else to
11 what we've heard. Oh, I'm sorry, ma'am.

12 MS. LINS: My name is Manessa Lins. I
13 live at 2 Liberty Hill Road. Tonight was the
14 first night that I have been informed that the
15 change of the sidewalk from the north side to the
16 south side, so I'm not really sure my thoughts on
17 that because I don't know the true implications to
18 my personal property, but there's a lot happening
19 on the property with regards to the runoff water,
20 now the sidewalk, the raising of the highway.

21 One thing that I haven't heard any
22 discussion about is regarding the lights. So if
23 we're now having a sidewalk, there's the

1 additional traffic. What's happening with the
2 light situation there? Noise is definitely a
3 concern as well.

4 You know, my neighbor next-door, he works
5 from home. I work from home occasionally as well,
6 and that is a valid point that I will have to
7 close all of my windows during the day to conduct
8 a conference call and really be able to hear
9 people on the other end of the phone.

10 So the light issue. I have three
11 children. They are obviously sensitive to the
12 noise, but, also, going to bed at night, you know,
13 are there going to be additional lights in the
14 area that are going to cause some problems here?
15 Coming from a small-world town, lots of lights
16 aren't -- aren't something I really enjoy, but
17 obviously if there is, that's something that I'd
18 like to hear about.

19 CHAIRMAN PAPPAS: Well, thank you.
20 Victoria, any changing with lighting along the
21 roadway?

22 MS. CHASE: The signalized intersections
23 are intended to be -- to be illuminated, but we

1 had not talked about lighting along the sidewalks.
2 That hadn't come up. I guess that's something we
3 need to talk about.

4 MS. LINS: Thank you.

5 CHAIRMAN PAPPAS: Thank you. Other
6 comments? We certainly don't want to cut anything
7 off, but there are other opportunities to register
8 your comments. Leave your written comments at the
9 door. Please take advantage of that window that
10 we have to send any more written comments to the
11 Department of Transportation.

12 Well, I certainly want to thank you all
13 for joining us here tonight. I want to thank
14 folks from the town and state level who joined us
15 here as well and folks from the Department of
16 Transportation who did a great job with their
17 presentations.

18 Obviously, this is an ongoing process.
19 Input is critical, and we certainly want to arrive
20 at a decision that best reflects the need for the
21 Town of Bedford and the needs of this region, so
22 thank you all so much.

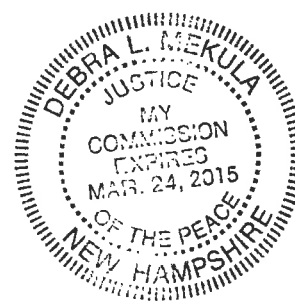
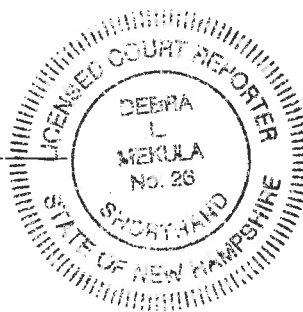
23 (The hearing is adjourned at 9:05 p.m.)

C E R T I F I C A T E

I, Debra L. Mekula, a Licensed Court Reporter and Justice of the Peace in and for the State of New Hampshire, do hereby certify that the foregoing, to the best of my knowledge, skill and ability, is a true and accurate transcript of my stenographic notes of the New Hampshire Department of Transportation, Bureau of Right of Way Highway Layout Commission Public Hearing, taken at the place and under the circumstances present on the date hereinbefore set forth.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this hearing was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.


Debra L. Mekula
Debra L. Mekula, LCR, RMR
Licensed Court Reporter
Registered Merit Reporter
N.H. LCR No. 26 (RSA 310-A)



ALBERT F. FITZGERALD, INC.

120 Commerce Way • P.O. Box 2128 • Woburn, Massachusetts 01888

Oct. 9, 2014

Chairman of the Special Committee
c/o William J. Cass 
Director of Project Development
N.H. Department Transportation
P.O. Box 483
Concord, N.H. 03302-0483

RECEIVED
COMMISSIONERS OFFICE

OCT 14 2014

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Re: Bedford, X-A000(143), 13953

Gentlemen:

At the October 2, 2014 public hearing on the proposed construction and expansion of NH 101 in Bedford, I learned the Department of Transportation (NHDOT) proposes to close the east entrance to my property at 169 NH 101 in Bedford (Parcel 12 on the hearing plan).

I was advised by John Butler of NHDOT that the Department does not believe it can engineer the east entrance with an acceptable grade, and therefore has recommended the entrance be eliminated. Mr. Butler's presentation at the hearing suggested that mine is the only entrance onto an abutting property that the NHDOT has proposed for elimination. Mr. Butler recited a long list of accommodations NHDOT has offered to other abutters in order to assure their continued access to the highway.

We request that the Department consider design alternatives and accommodations such as rerouting the driveway on the east side of our property (served by the east entrance) across our frontage or extending that driveway along the east side of our building.

Even if the existing east entrance cannot be saved, we request that the Department's final plan leave us with access similar to what we now enjoy -- two distinct entrances onto NH 101.

Reducing my property to one entrance raises safety issues. My company distributes ceramic tile and moving large trucks in and out of our facilities is an essential part of our business. For the last forty years, we have brought 18-wheel tractor trailers and straight trucks with 24-foot boxes in and out of Parcel 12's west entrance which is in front of the facility's loading dock. Smaller trucks, vans and cars operated by employees and customers use the east entrance, allowing them to park near the main entrance to our building.

If everyone is forced to use the west entrance, I believe customers and employees will tend to park along the pathway from the west entrance to the loading dock, thus impeding the large trucks. Pedestrian traffic -- now restricted largely to the eastern side of the property -- will follow parking patterns, and customers and employees will be exposed to large-truck traffic.

Allowing us to maintain our two-entrance configuration will not lessen safety or increase afternoon traffic congestion. Elevated medium strips will assure both entrances are limited to right turns only. Our trucks are off our property by 2 p.m., and do not affect afternoon rush hour traffic.

The Department has alternatively proposed the complete taking of Parcel 12. We do not favor that alternative. However, if the Department takes our property, we request that it make 169 NH101 an early acquisition.

An extended period of uncertainty will have adverse impacts on our business, our employees and our customers. It is difficult to identify and negotiate a new business location without knowing when the property will be needed or what resources will be available to acquire it. Our employees will inevitably experience anxiety related to relocation. Extending their uncertainty by months or perhaps years may contribute to a difficult, less efficient work environment.

Finally, our customers are flooring stores in New Hampshire and around New England. Our relationship depends upon their confidence that we can serve them in the years ahead. The sooner we explain our plan for the future, and demonstrate our commitment to their business, the more successful we, and they, will be.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "John F. Fitzgerald", written over the printed name and title.

John F Fitzgerald
President

October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

additional access Lane into Constitution
access " out of "

Paint Median in front 166 Rt 101 Caldwell
Barber so driving Low peak can make left
hand turns in.

No Turns into reverse direction

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: _____

Name: _____

(Please Print)

Address: _____

Phone: # _____

RECEIVED
COMMISSIONERS OFFICE

OCT 07 2014

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

NH DOT Project Parcel #

166 & 168 Rt 101
& 1, 43, 25, 47, 35 Constitution

October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

RECEIVED
COMMISSIONERS OFFICE

OCT 07 2014

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

5 Shaw Drive. Yes, 5 Shaw Drive. That house with the bank of windows on its west side.
(Exhibit A)

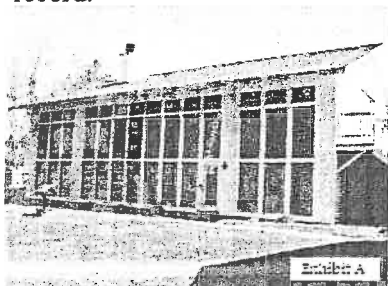
These recently installed energy efficient windows, which also have energy efficient window film, are a concern of mine during the Route 101 construction, as well as are the propane tank, trees, fence and well. (Exhibit B)

Once the road is complete, my concerns will still remain with regard to the well, propane tank and fence, with understandably increased noise level, contaminated well and precarious propane tank.

Although 5 Shaw is arguably the least significant of the 75 pieces of property involved in this project, it is understandably of monumental concern to me.

Therefore, I look forward to your letting me know how you plan to address these concerns of mine.

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.



Signed: Elinore J. Dunham

Name: Elinore J. Dunham
(Please Print)

Address: 5 Shaw Drive
Bedford NH 03110-6050



Phone: # 603-472-6646

NH DOT Project Parcel # 13-12

PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

RECEIVED
COMMISSIONERS OFFICE

OCT 07 2014

Dear Sir:

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Due to information received during the Public Hearing process for the above-referenced project I(~~we~~) hereby make the following request of the Special Committee:

Letter Attached

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: B. Biscornet

Name: Bruce Biscornet

(Please Print)

Address: 21 Meetinghouse Rd.

Bedford NH 03110

Phone: # (603) 488-5353

NH DOT Project Parcel # _____

**Bruce Biscornet
836 Candia Rd.
Manchester, NH 03109
603-488-5353**

Certified Mail

September 16, 2014

Councilor Christopher Pappas,
Chairman of the special committee
C/O Mr. William Cass,
Director of Project Development NHDOT
PO Box 483
Concord, NH 03302

Re: Bedford X-A000(143) 13953

Dear Counselor Pappas,

I am requesting that the special committee address my concerns with the NHDOT, at my residence abutting NH Route 101.

We attended the prior meeting on October 2, 2014. Prior to the meeting we discussed our concerns about the Rt 101 project and how it would impact our property with preliminary designer John Butler PE from the NHDOT.

I have enclosed a copy of a letter and pictures that we sent to Mr. William Cass after that meeting for your edification.

I requested they do additional design and engineering where our property meet Rt 101 so that our 78 trees, 18 ft. tall would not be damaged and die, due to snow road salt, etc. As you can see in the previous letter we sent, John Butler stated the side walk would end up 5 feet from our trees and the would sit 5 to 6 feet below the existing road.

At last nightsmeeting, Octorber 2, 2014, we again spoke to Preliminary Designer John Butler, and asked him if any new designs or engineering at taken place along our 322 feet abutting Rt 101 and his answer was no.

Mr. Butler then tried to tell me that our trees were 16 feet from the edge of the right away meaning Rt 101.

We have lived here at 21 Meetinghouse Road for 35 years and we have an approved Site Plan surveyed by engineers dated September 11, 2001 that shows the edge of right of way Rt 101 touching our existing trees. We have enclosed a section of our site plan showing the boundary of Rt 101 and 21 Meetinghouse Rd.

I then asked Mr. Butler if he thought our trees would be alive in 1 or 2 years after the road improvements were done. He stated he was not qualified to answer that. I then asked if there was anyone at the NHDOT that could answer the question and he said he did not know.

We are also concerned with our wetland, and pond which I built 35 years ago, which is approximately 1 acre in size.

I was appalled during the formal meeting when John Butler of the NHDOT was explaining that they moved the entire road on the plan to maintain one oak tree in front of the Bedford Village Inn.

Again when he explained all the work that they were going to put in to the area of the Town Park to maintain the water quality for the pond in the park. We have enclosed pictures of the Town Pond and our pond at 21 Meetinghouse Rd.

Our pond is 2 to 3 times larger than the pond at the park, and it only sits 47 feet from the edge of right of way RT 101. Why are we not being treated the same as the Town of Bedford land and the Bedford Village Inn one Oak Tree.

Prior to the meeting John Butler told us that there would be a land taking on our property and a slope easement. Does this not in itself tell us that our 78 trees that we planted 35 years ago will be impacted by the road improvements?

Our trees also act as a buffer to the traffic noise. As explained when I spoke at the meeting on October 2, 2014, I had no idea how busy RT 101 would become 35 years later. Again I was surprised to hear that there will be no noise abatement. I would like to see the study that was done on traffic noise for this project.

I apologize if I sound repetitive but in our letter to Mr. William Cass, Dated September 16, 2014, we would consider a high Earth berm and a solid fence in place of our trees as a buffer to Route 101. Which we feel is a fair compromise.

As of this writing we have heard nothing from New Hampshire DOT. As a counselor for the state of New Hampshire we are asking you to help us address these issues with the NHDOT. It seems we cannot get anywhere on our own.

We would like to thank you in advance for your consideration and cooperation in this matter.

Respectfully submitted,

Bruce and Sandy Biscornet

Enclosed: letter Dated September 16, 2014 and pictures.

Enclosed: Partial Site Plan of 21 Meetinghouse Rd.

Raymond K. Bowse
25 Meetinghouse
Bedford, N.H. 03

56
Edford
First Road
03110

MONUMENT
TO BE SET (TYP)

$S 02^{\circ}25'33'' W \xrightarrow{\quad} 249.58'$

NET&T CO
T/42R/H

361BH

EXISTING DRIVEWAY
TO BE CUT OFF

EXISTING DRIVEWAY

75' PROTECTIVE
WELL RADIUS

* BENCHMARK *

PK NAIL IN CEDAR SHRUB

ELEV = 106.16'

MONUMENT
TO BE SET (TYP)

461 BH

LOT 21-47-42

114,234 S.F. ~ 2.62 ACRES

79,496 S.F. BUILDABLE

EXISTING POND

Bruce Biscorne
21 Meeting house Rd
Bedford NH
03110

603-488-5353

SEE DETAIL "B"

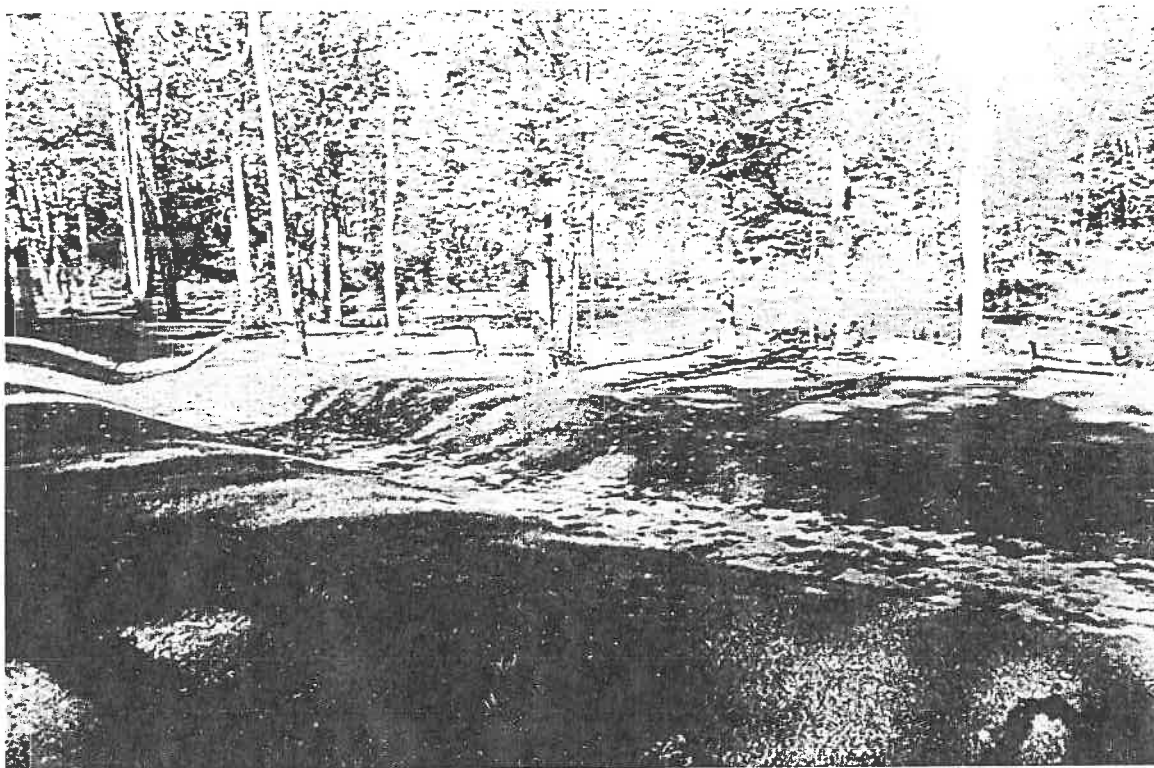
MONUMENT
TO BE SET (TYP)

~~361 BH~~

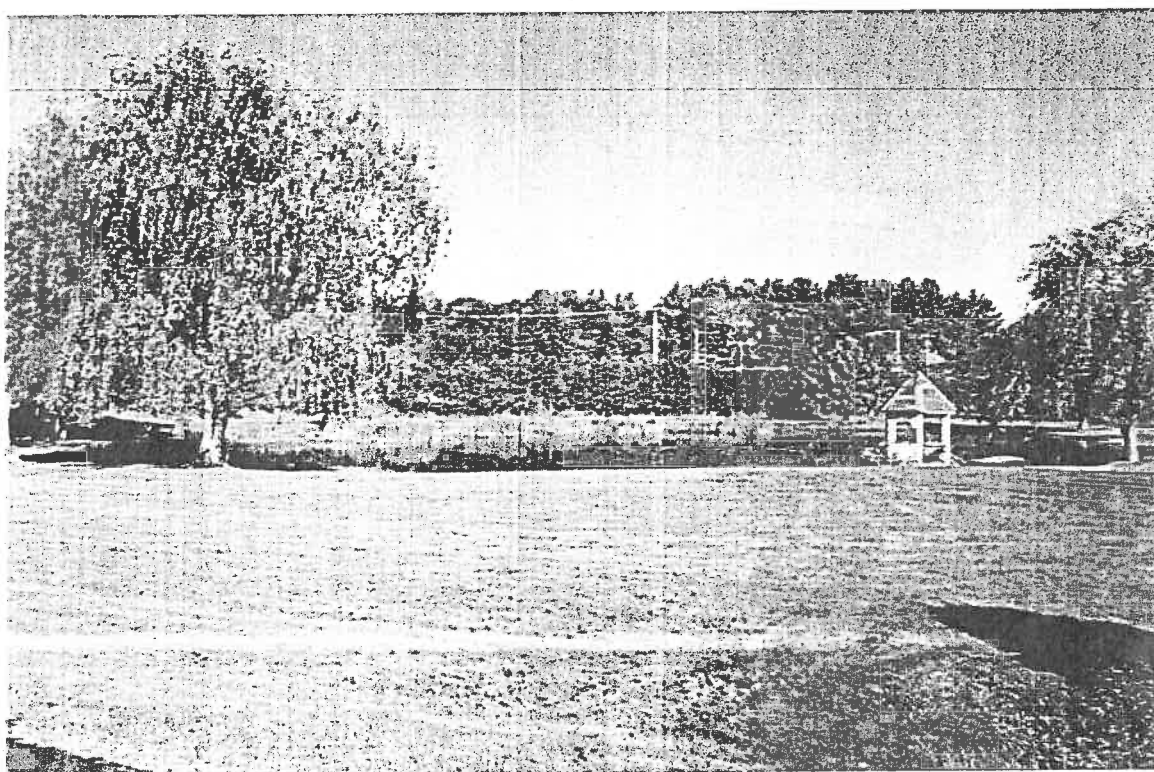
160.00' N 24° 28' 08"
DHE
PINECRI

LOT 21-60

Meetinghouse Road, LLC
11 Meetinghouse Road
Bedford, N.H. 03110



Red Ford Town Park



21 Meetinghouse Rd

Copy For

Councilor Pappas

Bruce Biscornet
836 Candia Rd.
Manchester, NH 03109
603-488-5353

Certified Mail

September 16, 2014

Mr. William Cass
Director of Project Development NHDOT
PO Box 483
Concord, NH 03302

Re: Reconstruction of NH Route 101.

Dear Mr. Cass,

As provided for in your letter dated September 9, 2014, we are submitting a written statement as to our concerns about the above referenced project.

We are direct abutters of NH route 101. Our property spans from Meetinghouse Rd. to Pinecrest Dr. for a distance of Three Hundred and Twenty Two feet (322').

We have lived at this address for 35 years. At the time we developed this site for a residential lot. We planted arborvitaes along the lot lines of Meetinghouse Rd., Route 101, and Pinecrest Dr. as a buffer to the roads.

After 35 years these trees are approximately 18 feet tall, as you can see from the enclosed pictures.

When we attended the previous Public hearing a few months ago we were informed that the side walk pavement abutting our property would be approximately 5 feet from our existing trees. I questioned whether there would be curbing installed at the side walk and the answer was no. I questioned if there was any provision for drainage in this area, the answer was no.

We were then informed that all the road run off would go to the north side of Route 101. The fact that there is an Island proposed with landscaping trees and etc..

I then questioned if there would be curb separating the travel lane and the island and the answer was yes.

I asked how would the drainage of the road go from the south side to the north side if there was curb on the island, I did not get an answer.

After having been a contractor for 30 years, building streets, large residential sub-divisions, commercial sub-divisions and industrial parks, from my experience there needs to be additional design and engineering in this area.

Our concerns are as follows:

1. Our buffer trees will not live, due to the increase of snow and salt being directed to this area, not to mention the increase in volume due to the road improvements. And the fact that the pavement will be within 5 feet of our trees all the snow and salt will be plowed and up against them.
2. The elevation at the base of our trees is approximately 5 to 6 feet below the existing road. As a result with the new proposed construction there is no room for a ditch line or slope easement without burying or removing the existing trees, leaving us with no screening from Route 101.
3. Wetlands being impacted.

Would you please address these issues before it is late and you have final plans.

We are willing to make concessions on our property as long as they are fair and equitable.

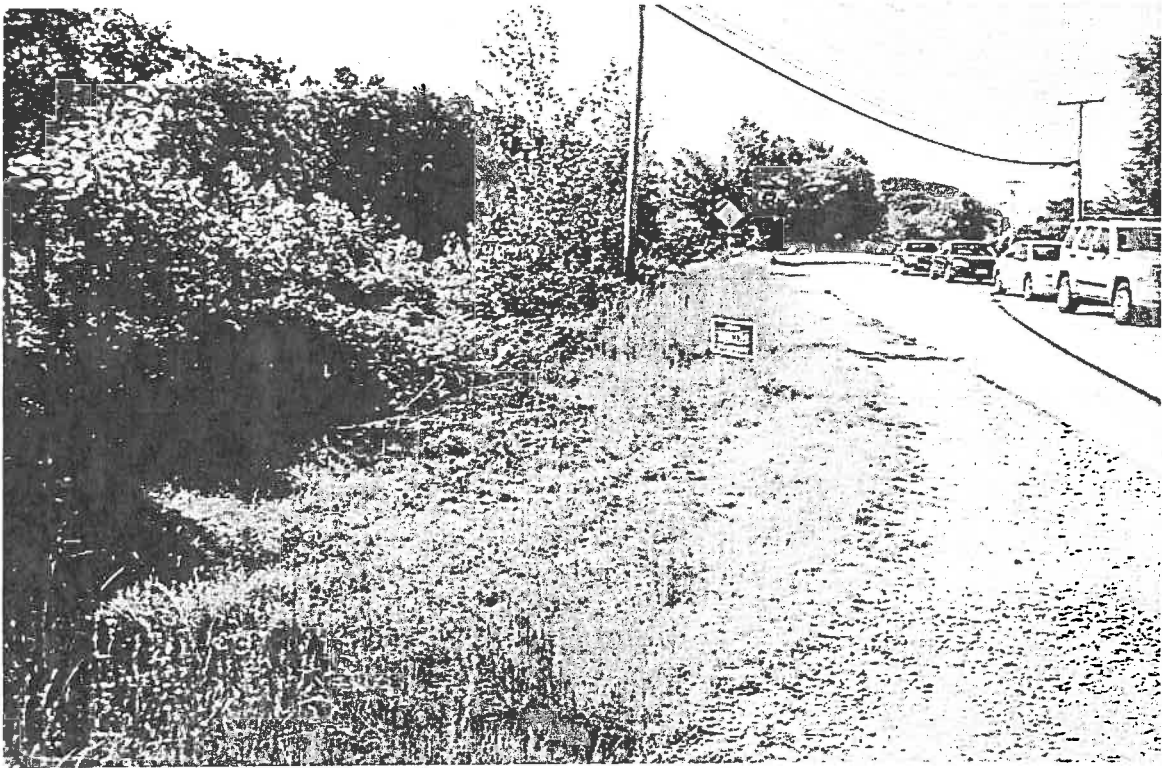
We would consider an high earth berm and a solid fence made of substantial material long lasting in place of our trees as a buffer to Route 101 and the traffic.

Respectfully submitted,

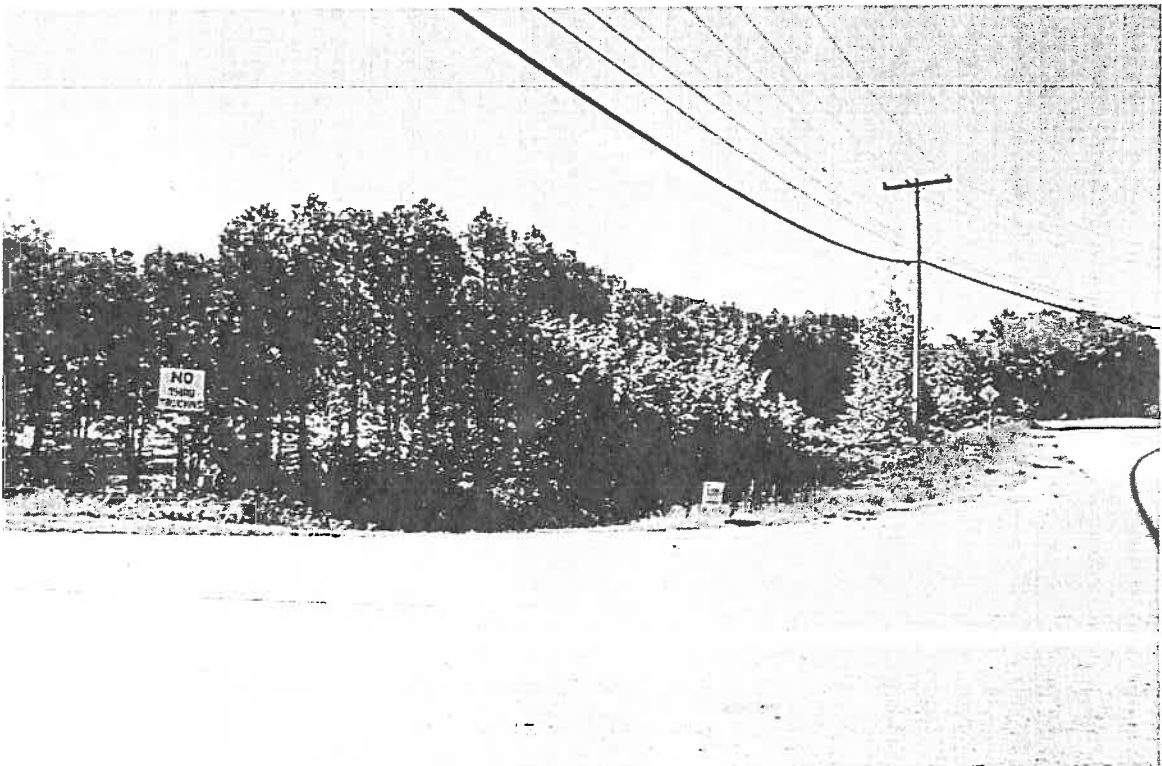
Bruce and Sandy Biscornet

Enclosed: Pictures

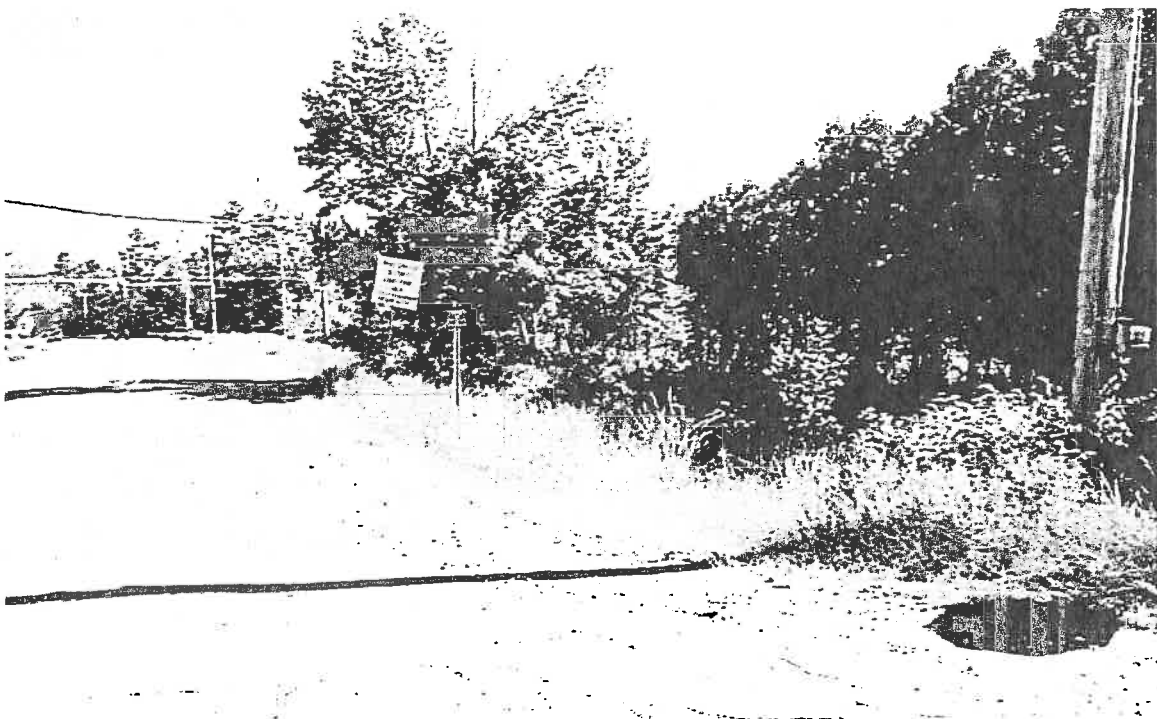
Cc: Senator Andy Sanborn



South side of Road



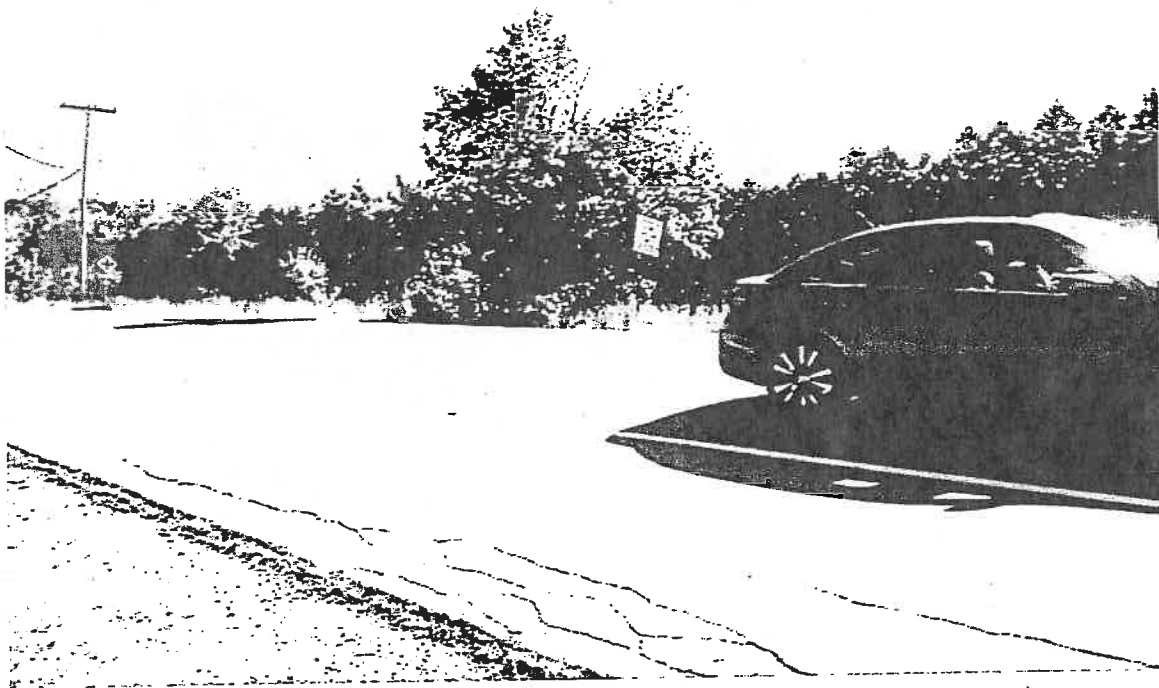
South side of Road
 21 Meeting House Rd
 9/16/14



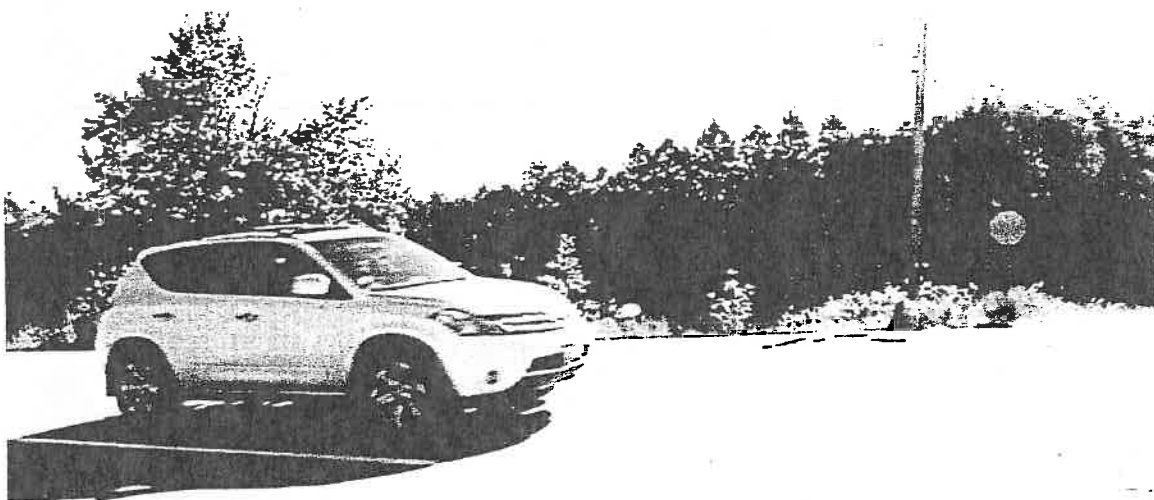
SOUTH Side OF ROAD



LOT LINE - SOUTH Side OF
ROAD
21 Meetinghouse Rd.
9/16/94



south side of Road



south side of Road
21 Mae Ties house Rd.
9/16/14



11 South Main Street, Suite 400
Concord, NH 03301-4846

p: 603-225-4334 f: 603-224-8350
hinckleyallen.com

RECEIVED
COMMISSIONERS OFFICE

October 10, 2014

OCT 10 2014

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Mr. William Cass
Director of Project Development
Bureau of Highway Design
NH Department of Transportation
7 Hazen Drive, P.O. Box 483
Concord, NH 03302-0483

**Re: Bedford X000(143), 13953 Proposed Widening of NH 101 to 5 Lanes from
NH 114 to Wallace Road and Proposed Acquisition by NHDOT of Land
Abutting Constitution Drive**

Dear Mr. Cass:

This firm represents Peter and Donna Holden, the owners of the property located at 9 Constitution Drive and designated as Parcel #61 on the plans published on September 29, 2014 in connection with the above-referenced NHDOT highway project (the "Project"). A very recent addition to the Project plans, as presented at the October 2, 2104 public hearing, now call for a taking of some of the Holdens' property for a road leading from the private driveway located on Parcel #57 on the plans across the Holden property to Constitution Drive. Parcel #57 is owned by Pond Haven Associates. The property is presently used as a privately owned, for-profit assisted living facility. The Holdens object to this proposed taking of their property for the following reasons: (1) it is unconstitutional; (2) it violates the public use requirements of New Hampshire's Eminent Domain Procedures Act; and (3) there are other alternatives not requiring the taking of private property by eminent domain.

I spoke on behalf of Mr. and Mrs. Holden at the public hearing of October 2, 2014 and summarized the foregoing points. I am writing now to provide the legal analysis of why the State's proposal to take a portion of the Holdens' property by eminent is unconstitutional and also violates the express provisions of the Eminent Domain Procedures Act.

The proposed new roadway begins in the parking lot of Parcel #57, immediately adjacent to the Holdens' property to the west, traverses the full length of the northern side of the Holdens' property, and ends on Constitution Drive. Parcel #57 borders Route 101 and has direct access to NH Route 101. The 101 widening includes the installation of a raised median for a substantial length of Route 101, including the portion of Route 101 where Parcel #57 accesses Route 101. The entrance to Parcel #57 will not be changed or disturbed by the project, but the construction

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HINCKLEY, ALLEN & SNYDER LLP, ATTORNEYS AT LAW

of the median, as presently designed, will prevent traffic traveling south on Route 101 from being able to take a left hand turn into Parcel #57 and traffic leaving Parcel #57 will not be able to take a left hand turn when exiting. According to statements made by NHDOT representatives at the October 2, 2014 public hearing, the sole reason for the construction of the roadway on the Holdens' property is to make it easier for patrons of Parcel #57 to ultimately head south on Route 101 by allowing them to exit from the rear of Parcel #57, across the Holdens' property to Constitution Drive and to the signal at the intersection of Constitution Drive and Route 101. Restriction of left turns is a condition that the majority of property owners along the Route 101 project area will experience as a result of the project, as was acknowledged during the public hearing. The New Hampshire Supreme Court has been very clear merely altering traffic patterns via a raised median without changing the actual entrance to a property is not a compensable impact. *See Merit Oil v. State*, 123 N.H. 280 (1983). Property owners and tenants along Route 101 facing this condition were told at the public hearing that they could make right turns and reverse direction by making U-turns at signalized intersections. However, the newly proposed roadway across the Holdens' property would give visitors and users of Parcel #57 a special private shortcut to Constitution Drive, from where they could head west and then head south at the signal at the intersection of Constitution Drive and Route 101.

The Constitution and statutes of New Hampshire only authorize the State to take a person's private property by eminent domain when such a taking is for a "public use." As noted above, Parcel #57 is a private assisted living facility owned by Pond Haven Associates, a private, for-profit business enterprise. Given the stated justification for constructing the roadway, the proposed taking to benefit the visitors of Parcel #57 would constitute a private use that falls afoul of constitutional and statutory limits on the State's eminent domain power.

Article 12-a of the New Hampshire Bill of Rights expressly prohibits the State from taking a person's property "if the taking is for the purpose of private development or other private use of the property." The state legislature and the New Hampshire voters passed this constitutional amendment in 2006 precisely to prevent the State from exercising eminent domain to favor private businesses at the expense of other citizens' property rights.

New Hampshire statutes further limit the State's eminent domain power. RSA 498-A:1 provides that "no person's private real property shall be taken . . . unless that real property is to be put to public use, as defined in RSA 498-A:2, VII." RSA 498-A:2, VII(a) then defines "public use" as:

- (1) The possession, occupation, and enjoyment of real property by the general public or governmental entities;
- (2) The acquisition of any interest in real property necessary to the function of a public or private utility or common carrier either through deed of sale or lease;
- (3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety; and
- (4) Private use that occupies an incidental area within a public use; provided, that no real property may be condemned solely for the purpose of facilitating such incidental private use.

In *Merrill v. City of Manchester*, 127 N.H. 234 (1985), the New Hampshire Supreme Court held that a taking is unconstitutional when it is "primarily of benefit to private persons or private uses, which is forbidden." The proposed roadway originates from a privately owned parking lot and would only be used by patrons of Parcel #57. Thus, the proposed roadway would not serve any conceivable "public use" justifying the exercise of eminent domain.

Though the proposed roadway across the Holdens' property may not be built using eminent domain, there are other viable alternatives to the NHDOT in improving access to Parcel #57. These include: (1) improving the signalized intersection at Route 101 and Constitution Drive to better facilitate U-turns, and (2) adding signage to inform drivers that U-turns are allowed at certain intersections and where those intersections are located.

Finally, this letter has not described the material negative impacts to the Holden property that will result from the taking, which include nonconforming zoning status and severe reduction of future expansion capabilities.

For the foregoing reasons, we respectfully request that the proposed roadway be eliminated from the final project plans.

We thank you for your attention to this matter.

Sincerely,



John Sokul, Jr.

Cc: Mr. Peter Holden
Mrs. Donna Holden

52752240 v1

TOWN OF BEDFORD NEW HAMPSHIRE



OFFICE OF THE TOWN MANAGER

October 13, 2014

SENT via e-mail and USPS

Councilor Christopher Pappas, Chairperson, Special Committee
Ray Chadwick, Chairperson, Commission
c/o William Cass, Director of Project Development
State of NH, DOT
P.O. Box 483
Concord, NH 03302-0483

Re: NHDOT Project # Bedford 13953
Public Hearing Testimony

Dear Chairperson Pappas and Chairperson Chadwick:

On behalf of the Bedford Town Council, please accept this correspondence as our formal expression of our enthusiastic support for implementation of NHDOT Project # Bedford 13953, the requisite public hearing for which was held in Bedford on October 2, 2014.

The Town of Bedford has worked toward the implementation of this project since the 2000 Bedford Master Plan Update, followed by the 2002 FHA Transportation and Community and System Preservation Route 101 Corridor Study, and continuously thereafter through its legislative delegation. From the Council's perspective, the objectives of the project, to provide for a safe, orderly and efficient flow of significantly increased traffic volumes while accommodating ancillary pedestrian traffic along and across the highway, has been addressed through the current stage of design. With 70 percent of the design yet to be achieved, there are many details to work through and as yet undiscovered challenges to resolve. Rest assured that the Council and the Town staff will continue to collaborate amicably and effectively with NHDOT personnel to bring about resolutions that support the objectives of the project with the least possible negative impact to abutters. Of equal importance are the long-term financial obligations to the Town relative to the Draft Municipal Maintenance Agreement for landscaping and sidewalk maintenance that will warrant further discussion and follow-up.

As the Project moves forward, the Town of Bedford would like to see the following unresolved matters addressed:

1. NHDOT accommodation of the use or transfer in fee of that portion of the western end of Bedford Center Road that is now meant to be a part of the redevelopment of the Harvest Market Plaza at the intersection of NH-101 and Wallace Road. The economic development program for that area is very important to the Town. The ability to use that section of the road, now adjacent

to a segment abandoned by the Town Council, is pivotal to future redevelopment plans. In exchange, the owners of the shopping plaza have offered a segment of their property along the eastern layout of Wallace Road to accommodate a widening of that intersection, which was requested by the Town to improve safety for turning movements and to increase the throughput of peak traffic flows.

2. With regard to vegetation along the median, which is called for in the Bedford Route 101 Corridor Study, the Town is currently obtaining expert advice regarding what types of plantings will be most durable and attractive, while carrying a comparatively low cost to maintain. We will work with NHDOT project staff as soon as we have a concept to share.
3. NHDOT consideration of the impacts to abutting properties beyond those that are compensated monetarily, especially where there will be a loss of current vegetative screening that now affords a degree of privacy, visual screening and noise abatement. Through our work on this project and as a result of improvements made by NHDOT to the Everett Turnpike, the Town has received negative feedback from impacted abutting residents that none of us wants to overlook or repeat.

In that regard, we strongly recommend that NHDOT work with the Town to reasonably mitigate as much of such impacts as can be justified and accommodated within or in addition to the Project. In particular, we ask you to give serious consideration to the wishes of property owners as follows:

- a. At the southwest intersection of NH-101 and Meetinghouse Road, construction of a decoratively topped or planted earthen berm to replace the arborvitae trees adjacent to the state right-of-way that currently enhance their property. Given the proximity of the trees to the new edge of pavement, the property owners do not expect the trees to survive the runoff of road salt from the highway. The property owners have obtained estimates for their preferred replacement, and report the cost to be far less than that of replacing the trees which they estimate at \$100,000. It seems to us that a reasonable accommodation could be reached.
- b. The owners of the properties at the intersection of Liberty Hill Road and NH-101 similarly will be impacted by removal of vegetative screening, although they expressed greater concern about sound mitigation than the loss of existing landscape features. The addition of sound absorbing trees that also provide year-round visual screening would seem an appropriate compensatory measure.
- c. The Historic District properties adjacent to NH-101 along Bedford Center Road should also be given similar consideration to help mitigate the increased noise and visual impacts of the new 4 lanes of traffic.

In closing, although this correspondence is focused on providing design feedback, not to be overlooked is our overall enthusiastic support of the Project at the current stage of design. The Town again NHDOT for the flexibility and collaborative approach shown by the staff assigned to this Project. They have worked with us in a cooperative way to help resolve several concerns in getting to this stage of the Project. We

sincerely look forward to that partnership continuing through to the Project's completion and will do our utmost to contribute to its success.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Bandazian".

Christopher Bandazian
Town Council Chair

A handwritten signature in black ink, appearing to read "Stephen J. Daly".

Stephen J. Daly
Town Manager

October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

RECEIVED
COMMISSIONERS OFFICE

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

OCT 09 2014

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

Please see attachment.

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: Keith Duperron

Name: Keith Duperron
(Please Print)

Address: 64 Pinecrest Dr.
Bedford NH 03110

Phone: # (603) 661-0898

NH DOT Project Parcel # 20

I'm Keith Duperron, property owner and occupant of 64 Pinecrest Drive. I am writing to express my strong opposition to a sidewalk on the southern side of Route 101, specifically between Nashua Road and Meetinghouse Road. It is my opinion that the sidewalk would be better suited on the Northern side of 101 as originally planned. I am not aware of any significant or compelling arguments in favor of new design, other than the personal preference of a few relatively unaffected residents that live nearby, noted in the minutes from this summer. As an actual abutter of the expansion, I feel my argument should hold more weight and deserves consideration. This particular stretch of road is dominated on the southern side by 6 parcels with houses that are extremely close to 101. Additionally, most are at a higher elevation than the road and in many cases rather significantly. The most recently proposed expansion would greatly impact these parcels. Not only would land be needed for the sidewalk and ten feet of roadside landscaping but due to the higher elevation, parcel owners would also need land to properly slope and landscape their properties. Furthermore, the current expansion proposal would eliminate any privacy that these parcels have between their homes and Route 101, since the established tree line would be removed.

In contrast, the original plan not only had a smaller impact on landowners but also made more sense as it allowed access to the recently constructed park, walking paths and the historic City Hall area. The only privately owned abutters on the northern side of Route 101 are a small gas station and two small sections of parcels that have addresses on Meetinghouse Road; all other abutting land is owned by the town of Bedford. In the original plan the sidewalk did not have any significant effect on the gas station as it passed right through the point of access and minimal impact on the two other parcels. The land owned by the Town of Bedford offers adequate room for a sidewalk and the elevation of the entire stretch does not differ significantly from the existing highway. From Meetinghouse Road heading east the sidewalk could be shifted to the Southern side or kept on the Northern Side.

In an effort to better understand the proposals for new plans, I voiced my concerns to a few people at the most recent hearing on October 2nd. The answer I received was "Well the schools are on the southern side of the road." To that I argue that this expansion and sidewalk in particular is meant to serve all of Bedford and not just the South Eastern corner where a sidewalk would be convenient to a small percentage of residents. There are just as many residents on the Northern side of 101 that would benefit from a sidewalk to get to these schools. Inevitably with a sidewalk on only one side of the road some residents will have to use a crosswalk. The location of the sidewalk should have no bearing upon which side of the road a public building is on. It could just as easily be argued that the town offices and parks are located on the northern side.

In conclusion, I believe that the change was made based on the opinions of a few residents that will not be impacted but were still given a voice at the hearings. While I understand that everyone has had a chance to speak and to make their own arguments, I do not believe that all of the actual abutters and most heavily impacted have stepped forward to state their argument. So please consider this on behalf of all of the aforementioned parcels that may have not had the time to attend these hearings or were too afraid to speak up.

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COMMISSIONERS OFFICE

OCT 10 2014

October 8, 2014

Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

NH Department of Transportation
PO Box 483
Concord, NH 03302-0483

Re: Bedford X-A000(143), 13593

Dear Councilor Pappas,

Due to information received during the Public Hearing Process for the project referenced above, I am writing to express my support of the Rte. 101 Widening Project from NH 114 to Wallace Road as presented at the public meeting on October 2, 2014.

The project incorporates concepts included in a 2002 corridor study done by the Town of Bedford, which was strongly supported by the residents of the town and is part of the town's 2010 Master Plan. The proposed project includes not only traffic and safety improvements, but attractive esplanades, bike lanes, and sidewalks separated from the road by landscaped strips.

RT 101 is a major corridor that bisects our town and serves as a gateway to our neighborhoods. There is no debate as to the necessity for improvements to the road for traffic and safety issues. However, in my opinion, the aesthetics of the project are equally as critical. If the project moves forward as proposed, Bedford will benefit from an attractive boulevard in the center of town with trees and green areas, both aesthetically pleasing and safe for public use. However, a commitment on the town's part would be required to maintain these green areas. Without a commitment to maintain the landscaping, the project would need to be revised and would likely result in an ugly highway running through the center of our town, divided by cement islands and potentially other unforeseen problems.

I support project as proposed and I sincerely hope that the town commits to the maintenance of the landscaping of the esplanades and other features as proposed in this project.

Thank you very much for your consideration.


Rita Carroll

41 Veronica Drive
Bedford

rcarrollnh@comcast.net

CC: Steven Daly, Bedford Town Manager

DEVINE
MILLIMET

ATTORNEYS AT LAW

RECEIVED
COMMISSIONERS OFFICE

OCT 09 2014

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

October 8, 2014

GEORGE R. MOORE
T 603.695.8544
F 603.669.8547
GMOORE@DEVINEMILLIMET.COM

William Cass, Director of Project Development
New Hampshire Department of Transportation
Post Office Box 483
Concord, NH 03302-0483

Re: 101 Widening Project – Bedford X-A000(143)

Dear Mr. Cass:

I represent Pond Haven Associates, which owns the parcel of land identified as Map 13, Lot 35 in Bedford and borders on Route 101. I also represent The Courville Company, which operates an assisted living facility on the site known as Carlyle Place. Please consider these comments to be part of the public record arising from the public hearing held at the Bedford High School cafeteria on October 2, 2014 relating to the Route 101 widening project.

My client appreciates and endorses the conceptual plan identified at the public hearing by which a service road shall be taken by eminent domain by the State of New Hampshire connecting my client's property to Constitution Drive. It is my client's belief that this solution is the most practical, feasible, and workable solution to the fact that the widening program anticipates eliminating my client's direct access onto Route 101 at their present driveway.

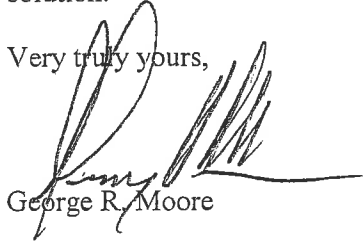
We understand that part of the State's overall plan is to promote safety and control access points directly onto Route 101 through a program of access management. Because of the nature of my client's business in operating and maintaining an assisted living facility for elderly residents, it is essential to have relatively direct and efficient access onto Route 101 in both a northerly and southerly direction. The State's proposal accomplishes this need through providing a four-way intersection on Constitution Drive and a signalized intersection allowing both left and right turns from Constitution Drive onto Route 101.

As the State is undoubtedly aware, the assisted living facility needs to accommodate relatively regular access to the site by ambulances and safety-related services, such as fire trucks, should the need arise. In addition, the facility is regularly accessed by 18-wheel tractor trailer trucks delivering supplies to the facility. However, the single most important factor for the State, the Town, and my clients, is that emergency vehicles have direct, reasonable access to the facility for the safety of the residents living there.

William Cass, Director of Project Development
October 8, 2014
Page 2

While The Courville Company and Pond View Associates are happy with their present access to Route 101, the State's plan affords us the best alternative access available consistent with the safety needs of both the Town and the facility. We applaud both the Town and the State for this solution.

Very truly yours,

A handwritten signature in black ink, appearing to read "George R. Moore", with a long horizontal flourish extending to the right.

GRM/jem

cc: Thomas Barrett, Vice President
The Courville Company

J:\WDOX\DOCS\CLIENTS\010110\101948\M2730674.DOCX

October 2, 2014

RECEIVED
COMMISSIONERS OFFICE

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

OCT 08 2014

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

Please do everything possible to propagate sidewalks along Route 101. The presence of sidewalks will foster use, and both the presence and use of them will promote careful driving. In the opposite case, the absence of sidewalks would make 101 appear like a high-speed limited-access highway, encouraging motorists to drive accordingly and without due care for other users of the road. The presence of sidewalks wherever possible would also greatly improve the quality of town life. Please do not make decisions that subordinate the human nature of traveling about one's town under one's own power, for the sake of motor vehicle convenience.

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: Michael Chen Oct. 8, 2014

Name: Michael Chen
(Please Print)

Address: 20 Shaw Drive
Bedford, NH 03110

Phone: # 603 472-5514

NH DOT Project Parcel # _____

October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

If there can only be one sidewalk on 101 between Meetinghouse Road and Constitution Drive, please have it on the south side. There are a greater number of residences on the south side that would benefit from a south sidewalk than residences on the north side that would benefit from a north sidewalk. In addition, north side residents already have Bedford Center Road for walking to Meetinghouse Road and linking to the other planned sidewalks, while the south side residents currently have no comparable route.

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: Michael Chen Oct. 8, 2014

Name: Michael Chen
(Please Print)

Address: 20 Shaw Drive
Bedford, NH 03110

Phone: # 603 472-5514

NH DOT Project Parcel # _____

October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

Please include regularly spaced depressions, or grooves in the shoulders, or some other method to warn motorists when they stray from driving lanes and into shoulders. These would be inexpensive and effective means of improving safety, especially for non-motor vehicle users of the road.

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: Michael Chen Oct. 8, 2014

Name: Michael Chen
(Please Print)

Address: 20 Shaw Drive
Bedford, NH 03110

Phone: # 603 472-5514

NH DOT Project Parcel # _____

October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

Please synchronize the traffic signals among all the intersections of this project. I am to understand that the Wallace, Nashua, and Meetinghouse Road traffic signals can be synchronized, but not together with the signals at Constitution Drive and 114. I believe comprehensive synchronization could be highly effective in improving traffic throughput, and inexpensive relative to other means. If it is decided that all the intersections will not be synchronized as part of this project, please at least install or maintain a conduit between the Wallace/Nashua/Meetinghouse group with the Constitution/114 group of intersections, specifically for facilitating synchronization in the future. Traffic volume will only increase with time, and we will soon regret missing the opportunity to lay a conduit while the road is being remade.

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: Michael Chen Oct. 8, 2014

Name: Michael Chen
(Please Print)

Address: 20 Shaw Drive
Bedford, NH 03110

Phone: # 603 472-5514

NH DOT Project Parcel # _____

October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

Please consider setting the speed limit of the entire stretch of the project to 35MPH. This would be more consistent than the current configuration of 40MPH except 35MPH east of Old Bedford Road. More importantly, this would also emphasize that this is a road that runs through a populous town, improve safety, and encourage alternative forms of transportation. It seems this would not impact the maximum traffic throughput since the current plan is already limited by a 35MPH section.

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: Michael Chen Oct. 8, 2014

Name: Michael Chen
(Please Print)

Address: 20 Shaw Drive
Bedford, NH 03110

Phone: # 603 472-5514

NH DOT Project Parcel # _____

October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

RECEIVED
COMMISSIONERS OFFICE

OCT 09 2014

Dear Sir:

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

Please See attachment

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: Keith Duperron

Name: Keith Duperron
(Please Print)

Address: 64 Pinecrest Dr.
Bedford, NH 03110

Phone: # (603) 661-0898

NH DOT Project Parcel # 20

With the current expansion plans my property will be heavily impacted and I would like to make sure that there are plans in place to maintain a level of privacy. Currently there is a row of trees along 101 that will inevitably be eliminated with the expansion. In an attempt to be plan ahead I planted 60 Arborvitae roughly 50 feet from the current highway last April. I attempted to get an estimate of a proper distance from the DOT before planting but was not given a definitive answer. From what I could gather beforehand the road was to be expanded from 40 feet wide to 100 feet. I assumed giving up 50 feet was a significant amount but the most recent plans show that I drastically underestimated the impact and I should have planted them closer to 100 feet from the road. Regardless, I want to know what is planned for the "sloping and landscaping" as well as what will happen to the trees that fall into this zone.

My first suggestion is to simply transplant the trees the northern edge of my proposed property line so that they will not go to waste and give back some of the privacy that is being taken away.

My second suggestion is to build a retaining wall just to the north of the trees to minimize the necessary sloping which is what takes up the majority of the land.

I am trying to be as proactive as possible as these trees grow rapidly to create privacy and could easily be over 20 feet by the time the project begins. It would be much more cost effective and far less labor intensive to transplant these trees sooner rather than later if that is the only solution.

Oct. 8, 2014

To: N.H. DOT
William J. Cass

RECEIVED
COMMISSIONERS OFFICE

OCT 08 2014

From: Raymond E Lorden
P.O. Box 567
Hollis, N.H. 03049

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

603-465-2122 Cell 603-566-8891

Re: Public Hearing
Bedford, X-A 000 (143) 13953

Dear Mr. William J. Cass

My parcel is #10 also known as 125 Rt 101. I strongly believe if the State takes anymore of my frontage they should take the entire property.

At this point the new road will just be to close to the front of my building.

From what I see on the blueprints, my building is the closest to the road.

Now if the State takes parcel #10 the State can use this parcel to reclaim some of the wetland, also there is no need to have a turning lane to turn into parcel #10.

Please consider a complete acquisition of the property, parcel #10.

Otherwise when the road is done I will be left with a building that no one would want to rent or buy.

Please help me resolve this matter.


Thank you very much for your help and cooperation.

Sincerely,

Raymond E. Loden

M. ELAINE TEFFT
7 MEETINGHOUSE ROAD
BEDFORD, NH 03110
603-472-3557

October 7, 2014

William Cass 
Director of Project Development
NHDOT
PO Box 483
Concord, NH 03302

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COMMISSIONERS OFFICE

OCT 08 2014

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Re : Bedford X000(143), 13953, Route 101 proposal.

Dear Mr. Cass,

It is my understanding that the primary purpose of your department is to facilitate the flow of vehicular traffic on New Hampshire's roads in the safest manner. The above proposal presented at the public hearing on 10/2/14, does exactly the opposite.

The proposal increases the number of travel lanes from two to four as well as a turning lane in some areas and decorative plants in others, more than doubling the width of the section of road from 101/114 to Wallace Road. The number of accidents on that stretch of road for the last five years accounts for 81 ½% of the total accidents in Bedford.

Additionally, you have included **four crosswalks**, at Constitution Drive, Meetinghouse Road, Nashua Road and Wallace Road. In the last five years, according to police reports, those intersections had 192 accidents, 32% of all accidents in Bedford, 39 ¼% of the accidents on that stretch of road. Your planners also pointed out where vehicles could make a U-turn at some of those locations. U-turns on **the** major state highway? Pedestrians crossing five lanes across **the** major state highway? What could possibly go wrong? The short answer is everything. Specifically the crosswalks will result in additional stopping & going, not facilitating the traffic flow. Adding pedestrians to the most dangerous section of 101 in Bedford is incomprehensible.

Please remove the crosswalks from the plan. It is simple common sense.

Sincerely yours,


M. Elaine Tefft, Trustee

David and Susan Clark
62 Bedford Center Road
Bedford, NH 03110
Days: 603-622-0700 x703
dclark@printquest.com

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COMMISSIONERS OFFICE

OCT 08 2014

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

October 6, 2014

Mr. William Cass 
Director of Project Development
NHDOT
PO Box 483
Concord, NH 03302-0483

Dear Mr. Cass:

I was in attendance this past Thursday night the 2nd of October for the public hearing on the Route 101 Expansion Project that your department is currently tasked with. Please consider this to be a 'written statement that can be submitted within ten (10) days of the Public Hearing'.

My wife and I live at 62 Bedford Center Road next to the 'proposed' site of a storm/wastewater runoff catch basin that is evidenced on your 'master blueprint' for this project. Our property wraps around two sides of what used to be the Brooks property that is now listed as being owned by the Bank of America. Our property stretches all the way down to Route 101 and there is even a small patch of property on the South side of 101 that we own (1/10th of an acre). (Please don't forget that small piece that will be taken by Eminent Domain so that we may be reimbursed for that).

Here is the reason for our letter to you. During the meeting your project people talked of the three proposed catch basins that would catch rain and snow-melt runoff water, which in turn would be 'cycled' and returned to the watershed. We were told that there would be appropriate plantings and layers of sand and other materials that would 'filter' said water and that the contaminants/pollutants (which would be: road salt, oil, mbte, grease, antifreeze, etc.) would not make their way into the water table or our wells. It was further stated that our wells would be constantly tested for such pollutants, just to make sure.

My wife and I have a real problem with your department's turning the abutting property into an enormous sludge pot for several different reasons: 1. We are on a well and nobody has talked to or consulted with us about the hydrology of your proposal with regard to our wells becoming contaminated. Sure, you can monitor our wells, but once contaminated- we'd have to move and suffer great loses as we depend on our well. Not sure that the State will be there to offer us fair market value or that they'd even admit to culpability in the mater, should that occur. The residents of The Bedford Historic District

are very sensitive to our wells becoming fouled due to an incident about 15 years ago where one of our neighbors (The Butlers) had a similar situation whereupon their well was poisoned by two businesses abutting their property- the Bedford Library and the Mobil gas station on 101. They had no recourse, were never compensated for their loss, the house was raised and there is now a Bedford Veterans Park in its place. Incidentally, there isn't a water fountain anywhere on that parcel due to the water still being undrinkable. So, my problem (which would subsequently become the State's problem) is that once our wells have been contaminated there isn't much they can do to remove said toxins. The woman running the hearing (I forget her name) had promised a great job on creating a good filtering system comprised of plants, sand and sediment removal layers, but the issue remains- the plants don't work in the winter and

2. This area is an active WETLAND AREA that has been acknowledged as such by the NH DES. This wetland area and the damage it sustained is very well documented due to a huge amount of data produced during the Brooks family's time at that property when they were changing the course of the water flow and when they did many other things that were strictly prohibited by your department's peer department, the DES. I have a really hard time believing that the aforementioned contaminants can be kept away from this wetland area, which has been besieged during the past 5-6 years. The same woman mentioned in #1 promised the audience that there would be active monitoring of that area and that the state will do this project right. Based on the fact that she told one of my neighbors that there was no budget for noise abatement as the budget just doesn't allow for that kind of assistance, I'm only willing to believe that the same principal would apply for the State's interest in handling dirty runoff water that is loaded with particulate that could poison the neighborhood's wells. My feeling is that the runoff water, containing pollutants, would be concentrated into this 'pool', hence the pollutants would be concentrated into a very condensed area- my backyard and the wetland area on this site.

The State of NH has to be very careful on this and the neighbors in this area need to hear a lot more from the State on the environmental impact of such a program and how they will guarantee the protection of our watershed in the Bedford Historic District. Nothing was said on this during the meeting and we need to hear from 'experts' in your geological, environmental and hydrology departments on how they plan to safeguard said WETLANDS and our wells. We are desperate on this and beg of your proceeding with the ultimate of caution, study, intelligence and communication to those impacted by this.

We await your response and thank you for taking this as seriously as we are.

Sincerely,



David and Susan Clark

cc- Attorney Katherine Hannah

cc- Marc G. Laurin, Sr. Environmental Manager, Bureau of Environment

October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

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OCT 08 2014

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

I CAN PRESENTLY SIT ON MY NEW DECK AND HAVE PRIVACY
FROM RTE 101, AND THE TREES AT THE END OF MY LAND
ALSO ABSORB THE TRAFFIC NOISE. THE PROPOSED PROJECT WILL
ELIMINATE THE TREES AND LEDGE AT THE END OF MY PROPERTY
WHICH WILL OPEN MY PROPERTY RIGHT ONTO RTE 101. IF
THE PROJECT IS APPROVED, MEASURES SHOULD BE TAKEN TO
PLANT SOME TYPE OF TREES THAT WOULD GIVE US BACK OUR
PRIVACY & ELIMINATE THE NOISE FROM THE TRAFFIC. CHILDREN
WILL ALSO BE ABLE TO RUN RIGHT DOWN TO RTE 101.

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: Roland G. Faudhomme

Name: ROLAND G FAUDHOMME
(Please Print)

Address: 11 SHAW DRIVE
BEDFORD, NH 03110

Phone: # 603 472-3021

NH DOT Project Parcel # 47

24 Plummer Road

Bedford, NH 03110

10/13/14

RECEIVED
COMMISSIONERS OFFICE

OCT 15 2014

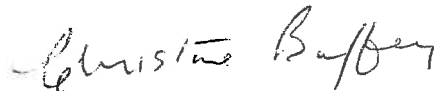
THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Mr. Cass, 

I am horrified to hear that the state is considering putting cross-walks on rte 101 between rte 114 and Wallace Road. Sounds like an invitation to a blood bath, the only thing more dangerous than 101 now would be having people walk across at regular intervals!

If you have money to spend on getting people from one side to the other how about a foot bridge or an underpass?

Sincerely Christine Buffey



October 2, 2014

Re: BEDFORD, X-A000(143), 13953
PUBLIC HEARING
BEDFORD HIGH SCHOOL CAFETERIA

RECEIVED
COMMISSIONERS OFFICE

OCT 15 2014

Attention: Councilor Christopher Pappas, Chairman of the Special Committee
c/o William J. Cass, Director of Project Development THE STATE OF NEW HAMPSHIRE
New Hampshire Department of Transportation DEPT. OF TRANSPORTATION
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

Dear Sir:

Due to information received during the Public Hearing process for the above-referenced project I(we) hereby make the following request of the Special Committee:

A lot of kids and adults in Bedford ride bikes. Instead of sidewalks which are not easy to use for bikers, why not put in an 8 foot bike path along one side of the road. That way both pedestrians and bikers could use the path. It has worked well in Nashua and Hollis into Massachusetts and also in Wolfeboro. I have been on both trails. It accommodates both pedestrian and bikers and it would provide safe passage for both pedestrians and bikers in a busy section of town.

I am also concerned about the pedestrian crossings that could cause traffic. I also question how safe they would be. Why not put a pedestrian overpass by Nashua Road where both bikers and pedestrians can cross safely particularly for the middle school and high school children trying to get to the other side of town from the schools.

I (we) understand that I (we) will be notified in writing of the Special Committee's decision regarding this request. I(we) also understand that this request will be included as part of the official record.

Signed: Marilyn Brock

Name: Marilyn Brock
(Please Print)

Address: 37 Bracken Cir
Bedford, NH 03110

Phone: # 603 488-2141

NH DOT Project Parcel # _____